

Chapter 26.26B RCW
MISCELLANEOUS PARENTAGE ACT PROVISIONS

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RCW 26.26B.010 Mandatory use of approved forms. (1) Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter or chapter 26.26A RCW unless on forms approved by the administrative office of the courts.

(2) The parties shall comply with requirements for submission to the court of forms as provided in RCW 26.18.220. [2019 c 46 § 5027; 2005 c 282 § 38; 1992 c 229 § 7; 1990 1st ex.s. c 2 § 28. Formerly RCW 26.26.065.]

Effective dates—Severability—1990 1st ex.s. c 2: See notes following RCW 26.09.100.

RCW 26.26B.020 Judgment or order determining parent and child relationship—Support judgment and orders—Residential provisions—Custody—Restraining orders—Notice of modification or termination of restraining order. (1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is

before the court, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct one parent to pay the reasonable expenses of the mother's pregnancy and childbirth. The judgment and order may include a continuing restraining order or injunction. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(4) The judgment and order shall contain a provision that each party must file with the court and the Washington state child support registry and update as necessary the information required in the confidential information form required by RCW 26.23.050.

(5) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the parent's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just. The court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(6) After considering all relevant factors, the court shall order either or both parents to pay an amount determined pursuant to the schedule and standards contained in chapter 26.19 RCW.

(7) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties, except that a parenting plan shall not be required unless requested by a party. If a parenting plan or residential schedule was not entered at the time the order establishing parentage was entered, a parent may move the court for entry of a parenting plan or residential schedule:

(a) By filing a motion and proposed parenting plan or residential schedule and providing notice to the other parent and other persons who have residential time with the child pursuant to a court order: PROVIDED, That at the time of filing the motion less than twenty-four months have passed since entry of the order establishing parentage and that the proposed parenting plan or residential schedule does not change the designation of the parent with whom the child spends the majority of time; or

(b) By filing a petition for modification under RCW 26.09.260 or petition to establish a parenting plan, residential schedule, or residential provisions.

(8) In any dispute between the persons claiming parentage of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the persons claiming parentage, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

(9) In entering an order under this chapter or chapter 26.26A RCW, the court may issue any necessary continuing restraining orders, including the restraint provisions of domestic violence protection orders or antiharassment protection orders under chapter 7.105 RCW.

(10) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, from going onto the grounds of or entering the home, workplace, or school

of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 7.105 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(11) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(12) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system. [2021 c 215 § 139; 2019 c 46 § 5028; 2011 c 283 § 9; 2001 c 42 § 5; 2000 c 119 § 10; 1997 c 58 § 947; 1995 c 246 § 31; 1994 sp.s. c 7 § 455. Prior: 1989 c 375 § 23; 1989 c 360 § 18; 1987 c 460 § 56; 1983 1st ex.s. c 41 § 8; 1975-'76 2nd ex.s. c 42 § 14. Formerly RCW 26.26.130.]

Effective date—2022 c 268; 2021 c 215: See note following RCW 7.105.900.

Costs—2011 c 283: "Any action taken by an agency to implement the provisions of this act must be accomplished within existing resources. Any costs incurred by the administrative office of the courts for modifications to the judicial information system as a result of the provisions of this act shall be paid from the judicial information system account." [2011 c 283 § 56.]

Application—2011 c 283: "This act applies to causes of action filed on or after July 22, 2011." [2011 c 283 § 58.]

Effective date—Severability—2001 c 42: See notes following RCW 26.09.020.

Application—2000 c 119: See note following RCW 10.31.100.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date—1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.

Short title—Section captions—Effective date—1987 c 460: See RCW 26.09.910 through 26.09.912.

Severability—1983 1st ex.s. c 41: See note following RCW 26.09.060.

RCW 26.26B.030 Support orders—Compliance with RCW 26.23.050. Every court order or decree establishing a child support obligation shall be entered in compliance with RCW 26.23.050. [1987 c 435 § 27; 1986 c 138 § 3; 1984 c 260 § 23. Formerly RCW 26.26.132.]

Effective date—1987 c 435: See RCW 26.23.900.

RCW 26.26B.040 Support orders—Time limit, exception. A court may not order payment for support provided or expenses incurred more than five years prior to the commencement of the action. Any period of time in which the responsible party has concealed himself or herself or avoided the jurisdiction of the court under this chapter or chapter 26.26A RCW shall not be included within the five-year period. [2019 c 46 § 5029; 2011 c 336 § 693; 1983 1st ex.s. c 41 § 11. Formerly RCW 26.26.134.]

Severability—1983 1st ex.s. c 41: See note following RCW 26.09.060.

RCW 26.26B.050 Restraining order—Knowing violation—Penalty—Law enforcement immunity. (1) Whenever a restraining order is issued under this chapter or chapter 26.26A RCW, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, is punishable under RCW 7.105.450.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter or chapter 26.26A RCW;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice. [2021 c 215 § 140; 2019 c 46 § 5030; 2000 c 119 § 23; 1999 c 184 § 12; 1996 c 248 § 11; 1995 c 246 § 33. Formerly RCW 26.26.138.]

Effective date—2022 c 268; 2021 c 215: See note following RCW 7.105.900.

Application—2000 c 119: See note following RCW 10.31.100.

Short title—1999 c 184: See RCW 26.52.900.

RCW 26.26B.060 Costs. The court may order reasonable fees of experts and the child's guardian ad litem, and other costs of the action, including blood or genetic test costs, to be paid by the parties in proportions and at times determined by the court. The court may order that all or a portion of a party's reasonable attorney's fees be paid by another party, except that an award of attorney's fees assessed against the state or any of its agencies or representatives shall be under RCW 4.84.185. [1994 c 146 § 4; 1984 c 260 § 35; 1975-'76 2nd ex.s. c 42 § 15. Formerly RCW 26.26.140.]

RCW 26.26B.070 Proof of certain support and parentage establishment costs. In all actions brought under this chapter or chapter 26.26A RCW, bills for pregnancy, childbirth, and genetic testing shall:

(1) Be admissible as evidence without requiring third-party foundation testimony; and

(2) Constitute prima facie evidence of amounts incurred for such services or for testing on behalf of the child. [2019 c 46 § 5031; 1997 c 58 § 939. Formerly RCW 26.26.145.]

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

RCW 26.26B.080 Enforcement of judgments or orders. (1) If existence of the parent and child relationship is declared, or parentage or a duty of support has been acknowledged or adjudicated under this chapter or chapter 26.26A RCW or under prior law, the obligation of the parent may be enforced in the same or other proceedings by the other parent, the child, the state of Washington, the public authority that has furnished or may furnish the reasonable expenses of pregnancy, childbirth, education, support, or funeral, or by any other person, including a private agency, to the extent he or she has furnished or is furnishing these expenses.

(2) The court shall order support payments to be made to the Washington state support registry, or the person entitled to receive the payments under an alternate arrangement approved by the court as provided in RCW 26.23.050(2).

(3) All remedies for the enforcement of judgments apply. [2019 c 46 § 5032; 2011 c 283 § 10; 1994 c 230 § 16; 1987 c 435 § 28; 1975-'76 2nd ex.s. c 42 § 16. Formerly RCW 26.26.150.]

Costs—Application—2011 c 283: See notes following RCW 26.26B.020.

Effective date—1987 c 435: See RCW 26.23.900.

RCW 26.26B.090 Modification of judgment or order—Continuing jurisdiction. (1) Except as provided in subsection (2) of this section the court has continuing jurisdiction to prospectively modify a judgment and order for future education and future support, and with respect to matters listed in *RCW 26.26.130 (3) and (5), and *RCW 26.26.150(2) upon showing a substantial change of circumstances. The procedures set forth in RCW 26.09.175 shall be used in modification proceedings under this section.

(2) A judgment or order entered under **this chapter may be modified without a showing of substantial change of circumstances upon the same grounds as RCW 26.09.170 permits support orders to be modified without a showing of a substantial change of circumstance.

(3) The court may modify a parenting plan or residential provisions adopted pursuant to *RCW 26.26.130(7) in accordance with the provisions of chapter 26.09 RCW.

(4) The court shall hear and review petitions for modifications of a parenting plan, custody order, visitation order, or other order governing the residence of a child, and conduct any proceedings concerning a relocation of the residence where the child resides a majority of the time, pursuant to chapter 26.09 RCW. [2000 c 21 § 20; 1992 c 229 § 8; 1989 c 360 § 36; 1975-'76 2nd ex.s. c 42 § 17. Formerly RCW 26.26.160.]

Reviser's note: *(1) RCW 26.26.130 and 26.26.150 were recodified as RCW 26.26B.020 and 26.26B.080, respectively, by the code reviser, effective January 1, 2019.

** (2) This section was codified in chapter 26.26 RCW prior to recodification by the code reviser on January 1, 2019. The majority of chapter 26.26 RCW was repealed by 2018 c 6 § 907, effective January 1, 2019. For later enactment of the uniform parentage act, see chapter 26.26A RCW.

Applicability—2000 c 21: See RCW 26.09.405.

~~Intent—Captions not law—2000 c 21:~~ See notes following RCW 26.09.405.

RCW 26.26B.100 Health care coverage. (1) In entering or modifying a support order under this chapter or chapter 26.26A RCW, the court shall require either or both parents to maintain or provide health care coverage for any dependent child as provided under RCW 26.09.105.

(2) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health costs, or insurance premiums which are in addition to and not inconsistent with this section.

(3) A parent ordered to provide health care coverage shall provide proof of such coverage or proof that such coverage is unavailable within twenty days of the entry of the order to:

(a) The physical custodian; or

(b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.

(4) Every order requiring a parent to provide health care coverage shall be entered in compliance with *RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW. [2019 c 46 § 5033; 2018 c 150 § 105; 1994 c 230 § 17; 1989 c 416 § 4. Formerly RCW 26.26.165.]

***Reviser's note:** The reference to RCW 26.23.050 appears to refer to the amendments made by 1989 c 416 § 8, which was vetoed by the governor.

RCW 26.26B.110 Relinquishment of child for adoption—Notice to other parent. If a parent relinquishes or proposes to relinquish for adoption a child, the other parent shall be given notice of the adoption proceeding and have the rights provided under the provisions of chapter 26.33 RCW. [1985 c 7 § 87; 1975-'76 2nd ex.s. c 42 § 20. Formerly RCW 26.26.190.]

RCW 26.26B.120 Parenting plan—Designation of parent for other state and federal purposes. Solely for the purposes of all other state and federal statutes which require a designation or determination of custody, a parenting plan shall designate the parent with whom the child is scheduled to reside a majority of the time as the custodian of the child. However, this designation shall not affect either parent's rights and responsibilities under the parenting plan. In the absence of such a designation, the parent with whom the child is scheduled to reside the majority of the time shall be deemed to be the custodian of the child for the purposes of such federal and state statutes. [1989 c 375 § 25. Formerly RCW 26.26.270.]

RCW 26.26B.130 Judicial proceedings for parenting and support of a child. (1) After the period for rescission of an acknowledgment of parentage provided in RCW 26.26A.235 has passed, a parent executing an

acknowledgment of parentage of the child named therein may commence a judicial proceeding for:

(a) Making residential provisions or a parenting plan with regard to the minor child on the same basis as provided in chapter 26.09 RCW; or

(b) Establishing a child support obligation under chapter 26.19 RCW and maintaining health care coverage under RCW 26.09.105.

(2) Pursuant to RCW 26.09.010(3), a proceeding authorized by this section shall be titled "In re the parenting and support of...."

(3) Before the period for a challenge to the acknowledgment or denial of parentage has elapsed under RCW 26.26A.240, the petitioner must specifically allege under penalty of perjury, to the best of the petitioner's knowledge, that: (a) No person other than a person who executed the acknowledgment of parentage is a parent of the child; (b) there is not currently pending a proceeding to adjudicate the parentage of the child or that another person is adjudicated the child's parent; and (c) the petitioner has provided notice of the proceeding to any other persons who have claimed parentage of the child. Should the respondent or any other person appearing in the action deny the allegations, a permanent parenting plan or residential schedule may not be entered for the child without the matter being converted to a proceeding to challenge the acknowledgment of parentage under RCW 26.26A.240 and 26.26A.445. A copy of the acknowledgment of parentage or the birth certificate issued by the state in which the child was born must be filed with the petition or response. The court may convert the matter to a proceeding to challenge the acknowledgment on its own motion. [2019 c 46 § 3001.]