
SENATE BILL 6555

State of Washington 57th Legislature

2002 Regular Session

By Senators Costa and Sheahan; by request of Uniform Legislation Commission

Read first time 01/21/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to the uniform parentage act; amending RCW
2 5.44.140, 5.62.030, 9.41.070, 9.41.800, 74.20.310, 74.20.360, and
3 74.20A.056; adding new sections to chapter 26.26 RCW; repealing RCW
4 26.26.010, 26.26.020, 26.26.030, 26.26.035, 26.26.040, 26.26.050,
5 26.26.060, 26.26.070, 26.26.080, 26.26.090, 26.26.100, 26.26.110,
6 26.26.120, 26.26.137, 26.26.170, 26.26.180, 26.26.200, 26.26.900,
7 26.26.901, and 26.26.905; prescribing penalties; and providing an
8 effective date.

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

10 ARTICLE 1
11 GENERAL PROVISIONS

12 NEW SECTION. **Sec. 101.** SHORT TITLE. This act may be known and
13 cited as the uniform parentage act.

14 NEW SECTION. **Sec. 102.** DEFINITIONS. The definitions in this
15 section apply throughout this chapter unless the context clearly
16 requires otherwise.

1 (1) "Acknowledged father" means a man who has established a father-
2 child relationship under sections 301 through 316 of this act.

3 (2) "Adjudicated father" means a man who has been adjudicated by a
4 court of competent jurisdiction to be the father of a child.

5 (3) "Alleged father" means a man who alleges himself to be, or is
6 alleged to be, the genetic father or a possible genetic father of a
7 child, but whose paternity has not been determined. The term does not
8 include:

9 (a) A presumed father;

10 (b) A man whose parental rights have been terminated or declared
11 not to exist; or

12 (c) A male donor.

13 (4) "Assisted reproduction" means a method of causing pregnancy
14 other than sexual intercourse. The term includes:

15 (a) Intrauterine insemination;

16 (b) Donation of eggs;

17 (c) Donation of embryos;

18 (d) In vitro fertilization and transfer of embryos; and

19 (e) Intracytoplasmic sperm injection.

20 (5) "Child" means an individual of any age whose parentage may be
21 determined under this chapter.

22 (6) "Commence" means to file the petition seeking an adjudication
23 of parentage in a superior court of this state or to serve a summons
24 and the petition.

25 (7) "Determination of parentage" means the establishment of the
26 parent-child relationship by the signing of a valid acknowledgment of
27 paternity under sections 301 through 316 of this act or adjudication by
28 the court.

29 (8) "Donor" means an individual who produces eggs or sperm used for
30 assisted reproduction, whether or not for consideration. The term does
31 not include:

32 (a) A husband who provides sperm, or a wife who provides eggs, to
33 be used for assisted reproduction by the wife; or

34 (b) A woman who gives birth to a child by means of assisted
35 reproduction, except as otherwise provided in RCW 26.26.210 through
36 26.26.260.

37 (9) "Ethnic or racial group" means, for purposes of genetic
38 testing, a recognized group that an individual identifies as all or

1 part of his or her ancestry or that is so identified by other
2 information.

3 (10) "Genetic testing" means an analysis of genetic markers only to
4 exclude or identify a man as the father or a woman as the mother of a
5 child. The term includes an analysis of one or a combination of the
6 following:

7 (a) Deoxyribonucleic acid; and

8 (b) Blood-group antigens, red-cell antigens, human-leukocyte
9 antigens, serum enzymes, serum proteins, or red-cell enzymes.

10 (11) "Man" means a male individual of any age.

11 (12) "Parent" means an individual who has established a parent-
12 child relationship under section 201 of this act.

13 (13) "Parent-child relationship" means the legal relationship
14 between a child and a parent of the child. The term includes the
15 mother-child relationship and the father-child relationship.

16 (14) "Paternity index" means the likelihood of paternity calculated
17 by computing the ratio between:

18 (a) The likelihood that the tested man is the father, based on the
19 genetic markers of the tested man, mother, and child, conditioned on
20 the hypothesis that the tested man is the father of the child; and

21 (b) The likelihood that the tested man is not the father, based on
22 the genetic markers of the tested man, mother, and child, conditioned
23 on the hypothesis that the tested man is not the father of the child
24 and that the father is from the same ethnic or racial group as the
25 tested man.

26 (15) "Presumed father" means a man who, under section 204 of this
27 act, is recognized to be the father of a child until that status is
28 rebutted or confirmed in a judicial proceeding.

29 (16) "Probability of paternity" means the measure, for the ethnic
30 or racial group to which the alleged father belongs, of the probability
31 that the individual in question is the father of the child, compared
32 with a random, unrelated man of the same ethnic or racial group,
33 expressed as a percentage incorporating the paternity index and a prior
34 probability.

35 (17) "Record" means information that is inscribed on a tangible
36 medium or that is stored in an electronic or other medium and is
37 retrievable in perceivable form.

38 (18) "Signatory" means an individual who authenticates a record and
39 is bound by its terms.

1 (19) "State" means a state of the United States, the District of
2 Columbia, Puerto Rico, the United States Virgin Islands, any territory
3 or insular possession subject to the jurisdiction of the United States,
4 or an Indian tribe or band, or Alaskan native village, that is
5 recognized by federal law or formally acknowledged by state law.

6 (20) "Support enforcement agency" means a public official or agency
7 authorized to seek:

8 (a) Enforcement of support orders or laws relating to the duty of
9 support;

10 (b) Establishment or modification of child support;

11 (c) Determination of parentage; or

12 (d) Location of child support obligors and their income and assets.

13 NEW SECTION. **Sec. 103.** SCOPE OF ACT--CHOICE OF LAW. (1) This
14 chapter governs every determination of parentage in this state.

15 (2) The court shall apply the law of this state to adjudicate the
16 parent-child relationship. The applicable law does not depend on:

17 (a) The place of birth of the child; or

18 (b) The past or present residence of the child.

19 (3) This chapter does not create, enlarge, or diminish parental
20 rights or duties under other law of this state.

21 (4) If a birth results under a surrogate parentage contract that is
22 unenforceable under the law of this state, the parent-child
23 relationship is determined as provided in sections 201 through 204 of
24 this act.

25 NEW SECTION. **Sec. 104.** COURT OF THIS STATE. The superior courts
26 of this state are authorized to adjudicate parentage under this
27 chapter.

28 NEW SECTION. **Sec. 105.** PROTECTION OF PARTICIPANTS. Proceedings
29 under this chapter are subject to other law of this state governing the
30 health, safety, privacy, and liberty of a child or other individuals
31 that could be jeopardized by disclosure of identifying information,
32 including the address, telephone number, place of employment, social
33 security number, and the child's day-care facility and school.

1 NEW SECTION. **Sec. 106.** DETERMINATION OF MATERNITY. The
2 provisions relating to determination of paternity may be applied to a
3 determination of maternity.

4 **ARTICLE 2**

5 **PARENT-CHILD RELATIONSHIP**

6 NEW SECTION. **Sec. 201.** ESTABLISHMENT OF PARENT-CHILD
7 RELATIONSHIP. (1) The mother-child relationship is established between
8 a child and a woman by:

9 (a) The woman's having given birth to the child, except as
10 otherwise provided in RCW 26.26.210 through 26.26.260;

11 (b) An adjudication of the woman's maternity;

12 (c) Adoption of the child by the woman; or

13 (d) A valid surrogate parentage contract, under which the mother is
14 an intended parent of the child, as provided in RCW 26.26.210 through
15 26.26.260.

16 (2) The father-child relationship is established between a child
17 and a man by:

18 (a) An un rebutted presumption of the man's paternity of the child
19 under section 204 of this act;

20 (b) The man's having signed an acknowledgment of paternity under
21 sections 301 through 316 of this act, unless the acknowledgment has
22 been rescinded or successfully challenged;

23 (c) An adjudication of the man's paternity;

24 (d) Adoption of the child by the man;

25 (e) The man's having consented to assisted reproduction by his wife
26 under sections 701 through 707 of this act that resulted in the birth
27 of the child; or

28 (f) A valid surrogate parentage contract, under which the father is
29 an intended parent of the child, as provided in RCW 26.26.210 through
30 26.26.260.

31 NEW SECTION. **Sec. 202.** NO DISCRIMINATION BASED ON MARITAL STATUS.
32 A child born to parents who are not married to each other has the same
33 rights under the law as a child born to parents who are married to each
34 other.

1 NEW SECTION. **Sec. 203.** CONSEQUENCES OF ESTABLISHMENT OF
2 PARENTAGE. Unless parental rights are terminated, the parent-child
3 relationship established under this chapter applies for all purposes,
4 except as otherwise provided by other law of this state.

5 NEW SECTION. **Sec. 204.** PRESUMPTION OF PATERNITY IN CONTEXT OF
6 MARRIAGE. (1) A man is presumed to be the father of a child if:
7 (a) He and the mother of the child are married to each other and
8 the child is born during the marriage;
9 (b) He and the mother of the child were married to each other and
10 the child is born within three hundred days after the marriage is
11 terminated by death, annulment, dissolution of marriage, legal
12 separation, or declaration of invalidity;
13 (c) Before the birth of the child, he and the mother of the child
14 married each other in apparent compliance with law, even if the
15 attempted marriage is, or could be, declared invalid and the child is
16 born during the invalid marriage or within three hundred days after its
17 termination by death, annulment, dissolution of marriage, legal
18 separation, or declaration of invalidity; or
19 (d) After the birth of the child, he and the mother of the child
20 have married each other in apparent compliance with law, whether or not
21 the marriage is, or could be declared invalid, and he voluntarily
22 asserted his paternity of the child, and:
23 (i) The assertion is in a record filed with the state registrar of
24 vital statistics;
25 (ii) Agreed to be and is named as the child's father on the child's
26 birth certificate; or
27 (iii) Promised in a record to support the child as his own.
28 (2) A presumption of paternity established under this section may
29 be rebutted only by an adjudication under sections 601 through 637 of
30 this act.

31 **ARTICLE 3**
32 **VOLUNTARY ACKNOWLEDGMENT OF PATERNITY**

33 NEW SECTION. **Sec. 301.** ACKNOWLEDGMENT OF PATERNITY. The mother
34 of a child and a man claiming to be the father of the child conceived
35 as the result of his sexual intercourse with the mother may sign an

1 acknowledgment of paternity with intent to establish the man's
2 paternity.

3 NEW SECTION. **Sec. 302.** EXECUTION OF ACKNOWLEDGMENT OF PATERNITY.

4 (1) An acknowledgment of paternity must:

5 (a) Be in a record;

6 (b) Be signed under penalty of perjury by the mother and by the man
7 seeking to establish his paternity;

8 (c) State that the child whose paternity is being acknowledged:

9 (i) Does not have a presumed father, or has a presumed father whose
10 full name is stated; and

11 (ii) Does not have another acknowledged or adjudicated father;

12 (d) State whether there has been genetic testing and, if so, that
13 the acknowledging man's claim of paternity is consistent with the
14 results of the testing; and

15 (e) State that the signatories understand that the acknowledgment
16 is the equivalent of a judicial adjudication of paternity of the child
17 and that a challenge to the acknowledgment is permitted only under
18 limited circumstances and is barred after two years.

19 (2) An acknowledgment of paternity is void if it:

20 (a) States that another man is a presumed father, unless a denial
21 of paternity signed by the presumed father is filed with the state
22 registrar of vital statistics;

23 (b) States that another man is an acknowledged or adjudicated
24 father; or

25 (c) Falsely denies the existence of a presumed, acknowledged, or
26 adjudicated father of the child.

27 (3) A presumed father may sign an acknowledgment of paternity.

28 NEW SECTION. **Sec. 303.** DENIAL OF PATERNITY. A presumed father of
29 a child may sign a denial of his paternity. The denial is valid only
30 if:

31 (1) An acknowledgment of paternity signed by another man is filed
32 under section 305 of this act;

33 (2) The denial is in a record, and signed under penalty of perjury;
34 and

35 (3) The presumed father has not previously:

1 (a) Acknowledged his paternity, unless the previous acknowledgment
2 has been rescinded under section 307 of this act or successfully
3 challenged under section 308 of this act; or

4 (b) Been adjudicated to be the father of the child.

5 NEW SECTION. **Sec. 304.** RULES FOR ACKNOWLEDGMENT AND DENIAL OF
6 PATERNITY. (1) An acknowledgment of paternity and a denial of
7 paternity may be contained in a single document or may be signed in
8 counterparts, and may be filed separately or simultaneously.

9 (2) An acknowledgment of paternity or a denial of paternity may be
10 signed before the birth of the child.

11 (3) An acknowledgment and denial of paternity, if any, take effect
12 on the birth of the child or the filing of the document with the state
13 registrar of vital statistics, whichever occurs later.

14 (4) An acknowledgment or denial of paternity signed by a minor is
15 valid if otherwise in compliance with this chapter.

16 NEW SECTION. **Sec. 305.** EFFECT OF ACKNOWLEDGMENT OR DENIAL OF
17 PATERNITY. (1) Except as otherwise provided in sections 307 and 308 of
18 this act, a valid acknowledgment of paternity filed with the state
19 registrar of vital statistics is equivalent to an adjudication of
20 paternity of a child and confers upon the acknowledged father all the
21 rights and duties of a parent.

22 (2) Except as otherwise provided in sections 307 and 308 of this
23 act, a valid denial of paternity filed with the state registrar of
24 vital statistics in conjunction with a valid acknowledgment of
25 paternity is equivalent to an adjudication of the nonpaternity of the
26 presumed father and discharges the presumed father from all of the
27 rights and duties of a parent.

28 NEW SECTION. **Sec. 306.** FILING FEE. The state registrar of vital
29 statistics may charge a fee for filing an acknowledgment or denial of
30 paternity.

31 NEW SECTION. **Sec. 307.** PROCEEDING FOR RESCISSION. A signatory
32 may rescind an acknowledgment or denial of paternity by commencing a
33 court proceeding to rescind before the earlier of:

34 (1) Sixty days after the effective date of the filing of the
35 acknowledgment or denial, as provided in section 304 of this act; or

1 (2) The date of the first hearing in a proceeding to which the
2 signatory is a party before a court to adjudicate an issue relating to
3 the child, including a proceeding that establishes support.

4 NEW SECTION. **Sec. 308.** CHALLENGE AFTER EXPIRATION OF TIME FOR
5 RESCISSION. (1) After the period for rescission under section 307 of
6 this act has elapsed, a signatory of an acknowledgment or denial of
7 paternity may commence a proceeding to challenge the acknowledgment or
8 denial only:

9 (a) On the basis of fraud, duress, or material mistake of fact; and

10 (b) Within two years after the acknowledgment or denial is filed
11 with the state registrar of vital statistics.

12 (2) A party challenging an acknowledgment or denial of paternity
13 has the burden of proof.

14 NEW SECTION. **Sec. 309.** PROCEDURE FOR RESCISSION OR CHALLENGE.

15 (1) Every signatory to an acknowledgment or denial of paternity must be
16 made a party to a proceeding to rescind or challenge the acknowledgment
17 or denial.

18 (2) For the purpose of rescission of, or challenge to, an
19 acknowledgment or denial of paternity, a signatory submits to personal
20 jurisdiction of this state by signing the acknowledgment or denial,
21 effective upon the filing of the document with the state registrar of
22 vital statistics.

23 (3) Except for good cause shown, during the pendency of a
24 proceeding to rescind or challenge an acknowledgment or denial of
25 paternity, the court may not suspend the legal responsibilities of a
26 signatory arising from an acknowledgment, including the duty to pay
27 child support.

28 (4) A proceeding to rescind or to challenge an acknowledgment or
29 denial of paternity must be conducted in the same manner as a
30 proceeding to adjudicate parentage under sections 601 through 637 of
31 this act.

32 (5) At the conclusion of a proceeding to rescind or challenge an
33 acknowledgment or denial of paternity, the court shall order the state
34 registrar of vital statistics to amend the birth record of the child,
35 if appropriate.

1 NEW SECTION. **Sec. 310.** RATIFICATION BARRED. A court or
2 administrative agency conducting a judicial or administrative
3 proceeding is not required or permitted to ratify an unchallenged
4 acknowledgment of paternity.

5 NEW SECTION. **Sec. 311.** FULL FAITH AND CREDIT. A court of this
6 state shall give full faith and credit to an acknowledgment or denial
7 of paternity effective in another state if the acknowledgment or denial
8 has been signed and is otherwise in compliance with the law of the
9 other state.

10 NEW SECTION. **Sec. 312.** FORMS FOR ACKNOWLEDGMENT AND DENIAL OF
11 PATERNITY. (1) To facilitate compliance with sections 301 through 311
12 of this act, the state registrar of vital statistics shall prescribe
13 forms for the acknowledgment and the denial of paternity.

14 (2) A valid acknowledgment or denial of paternity is not affected
15 by a later modification of the prescribed form.

16 NEW SECTION. **Sec. 313.** RELEASE OF INFORMATION. The state
17 registrar of vital statistics may release information relating to the
18 acknowledgment or denial of paternity, not expressly sealed under a
19 court order, to: (1) A signatory of the acknowledgment or denial or
20 their attorneys of record; (2) the courts of this or any other state;
21 (3) the agencies of this or any other state operating a child support
22 program under Title IV-D of the social security act; or (4) the
23 agencies of this or any other state involved in a dependency
24 determination for a child named in the acknowledgement or denial of
25 paternity.

26 NEW SECTION. **Sec. 314.** ADOPTION OF RULES. The state registrar of
27 vital statistics may adopt rules to implement sections 301 through 316
28 of this act.

29 NEW SECTION. **Sec. 315.** (1) Sections 301 through 316 of this act
30 apply to all acknowledgments of paternity executed on or after July 1,
31 1997.

32 (2) A man who executed an acknowledgment of paternity before July
33 1, 1997, is rebuttably identified as the father of the child named
34 therein. Any dispute of the parentage, custody, visitation, or support

1 of the child named therein shall be determined in a proceeding to
2 adjudicate the child's parentage commenced under sections 601 through
3 637 of this act.

4 NEW SECTION. **Sec. 316.** (1) After the period for rescission of an
5 acknowledgment of paternity provided in section 307 of this act has
6 passed, a parent executing an acknowledgment of paternity of the child
7 named therein may commence a judicial proceeding for:

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

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

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

15 (3) Before the period for a challenge to the acknowledgment or
16 denial of paternity has elapsed under section 308 of this act, the
17 petitioner must specifically allege under penalty of perjury, to the
18 best of the petitioner's knowledge, that: (a) No man other than the
19 man who executed the acknowledgment of paternity is the father of the
20 child; (b) there is not currently pending a proceeding to adjudicate
21 the parentage of the child or that another man is adjudicated the
22 child's father; and (c) the petitioner has provided notice of the
23 proceeding to any other men who have claimed parentage of the child.
24 Should the respondent or any other person appearing in the action deny
25 the allegations, a permanent parenting plan or residential schedule may
26 not be entered for the child without the matter being converted to a
27 proceeding to challenge the acknowledgment of paternity under sections
28 308 and 309 of this act. A copy of the acknowledgment of paternity
29 must be filed with the petition or response. The court may convert the
30 matter to a proceeding to challenge the acknowledgment on its own
31 motion.

32 **ARTICLE 4**
33 **REGISTRY OF PATERNITY**

34 **PART 1**
35 **GENERAL PROVISIONS**

1 NEW SECTION. **Sec. 401.** ESTABLISHMENT OF REGISTRY. A registry of
2 paternity is established in the state registrar of vital statistics.

3 NEW SECTION. **Sec. 402.** REGISTRATION FOR NOTIFICATION. (1) Except
4 as otherwise provided in subsection (2) of this section or section 405
5 of this act, a man who desires to be notified of a proceeding for
6 adoption of, or termination of parental rights regarding, a child that
7 he may have fathered must register in the registry of paternity before
8 the birth of the child or no later than thirty days after the birth.

9 (2) A man is not required to register if:

10 (a) A father-child relationship between the man and the child has
11 been established under this chapter or other law; or

12 (b) The man commences a proceeding to adjudicate his paternity
13 before the court has terminated his parental rights.

14 (3) A registrant shall promptly notify the registry in a record of
15 any change in the information registered. The state registrar of vital
16 statistics shall incorporate all new information received into its
17 records but need not affirmatively seek to obtain current information
18 for incorporation in the registry.

19 NEW SECTION. **Sec. 403.** NOTICE OF PROCEEDING. Notice of a
20 proceeding for the adoption of, or termination of parental rights
21 regarding, a child must be given to a registrant who has timely
22 registered. Notice must be given in a manner prescribed for service of
23 process in a civil action.

24 NEW SECTION. **Sec. 404.** TERMINATION OF PARENTAL RIGHTS: CHILD
25 LESS THAN ONE YEAR OF AGE. The parental rights of a man who may be the
26 father of a child may be terminated without notice if:

27 (1) The child has not attained one year of age at the time of the
28 termination of parental rights;

29 (2) The man did not register timely with the state registrar of
30 vital statistics; and

31 (3) The man is not exempt from registration under section 402 of
32 this act.

33 NEW SECTION. **Sec. 405.** TERMINATION OF PARENTAL RIGHTS: CHILD AT
34 LEAST ONE YEAR OF AGE. (1) If a child has attained one year of age,
35 notice of a proceeding for adoption of, or termination of parental

1 rights regarding, the child must be given to a man who may be the
2 child's father, whether or not he has registered with the state
3 registrar of vital statistics.

4 (2) Notice must be given in a manner prescribed for service of
5 process in a civil action.

6 **PART 2**

7 **OPERATION OF REGISTRY**

8 NEW SECTION. **Sec. 411.** REQUIRED FORM. The state registrar of
9 vital statistics shall prepare a form for registering with the agency.
10 The form must be signed by the registrant. The form must contain a
11 notice to the registrant that he signs the form under penalty of
12 perjury. The form must also provide notice to the registrant that:

13 (1) A timely registration entitles the registrant to notice of a
14 proceeding for adoption of the child or termination of the registrant's
15 parental rights;

16 (2) A timely registration does not commence a proceeding to
17 establish paternity;

18 (3) The information disclosed on the form may be used against the
19 registrant to establish paternity;

20 (4) Services to assist in establishing paternity are available to
21 him through the support enforcement agency;

22 (5) He should also register in another state if conception or birth
23 of the child occurred in the other state;

24 (6) Information on registries of other states is available from the
25 state registrar of vital statistics; and

26 (7) Procedures exist to rescind the registration of a claim of
27 paternity.

28 NEW SECTION. **Sec. 412.** FURNISHING OF INFORMATION--
29 CONFIDENTIALITY. (1) The state registrar of vital statistics need not
30 seek to locate the mother of a child who is the subject of a
31 registration, but, if the mother's address has been provided, the state
32 registrar of vital statistics shall send a copy of the notice of the
33 registration to her at that address.

34 (2) Information contained in the registry is confidential and may
35 be released on request only to:

36 (a) A court or other person designated by the court;

- 1 (b) The mother of the child who is the subject of the registration;
- 2 (c) An agency authorized by other law to receive the information;
- 3 (d) A licensed child-placing agency;
- 4 (e) A support enforcement agency;
- 5 (f) A party or the party's attorney of record in a proceeding under
- 6 this chapter or in a proceeding for adoption of, or for termination of
- 7 parental rights regarding, a child who is the subject of the
- 8 registration; and
- 9 (g) The registry of paternity in another state.

10 NEW SECTION. **Sec. 413.** PENALTY FOR RELEASING INFORMATION. An
11 individual commits a gross misdemeanor punishable under RCW 9.92.020 if
12 the individual intentionally releases information from the registry to
13 another individual or agency not authorized to receive the information
14 under section 412 of this act.

15 NEW SECTION. **Sec. 414.** RESCISSION OF REGISTRATION. A registrant
16 may rescind his registration at any time by sending to the registry a
17 written rescission signed by him and witnessed or notarized.

18 NEW SECTION. **Sec. 415.** UNTIMELY REGISTRATION. If a man registers
19 more than thirty days after the birth of the child, the state registrar
20 of vital statistics shall notify the registrant that on its face his
21 registration was not filed timely.

22 NEW SECTION. **Sec. 416.** FEES FOR REGISTRY. (1) A fee may not be
23 charged for filing a registration or a rescission of registration.

24 (2) Except as otherwise provided in subsection (3) of this section,
25 the state registrar of vital statistics may charge a reasonable fee for
26 making a search of the registry and for furnishing a certificate.

27 (3) A support enforcement agency is not required to pay a fee
28 authorized by subsection (2) of this section.

29 **PART 3**
30 **SEARCH OF REGISTRIES**

31 NEW SECTION. **Sec. 421.** SEARCH OF APPROPRIATE REGISTRY. (1) If a
32 father-child relationship has not been established under this chapter
33 for a child under one year of age, a petitioner for adoption of or

1 termination of parental rights regarding the child must obtain a
2 certificate of search of the registry of paternity.

3 (2) If the petitioner for adoption of, or termination of parental
4 rights regarding, a child has reason to believe that the conception or
5 birth of the child may have occurred in another state, the petitioner
6 must also obtain a certificate of search of the registry of paternity,
7 if any, in that state.

8 NEW SECTION. **Sec. 422.** CERTIFICATE OF SEARCH OF REGISTRY. (1)
9 The state registrar of vital statistics shall furnish a certificate of
10 search of the registry on request of an individual, court, or agency
11 identified in section 412 of this act.

12 (2) A certificate provided by the state registrar of vital
13 statistics must be signed on behalf of the state registrar of vital
14 statistics and state that:

15 (a) A search has been made of the registry; and

16 (b) A registration containing the information required to identify
17 the registrant:

18 (i) Has been found and is attached to the certificate of search; or

19 (ii) Has not been found.

20 (3) A petitioner must file the certificate of search with the court
21 before a proceeding for adoption of, or termination of parental rights
22 regarding, a child may be concluded.

23 NEW SECTION. **Sec. 423.** ADMISSIBILITY OF REGISTERED INFORMATION.
24 A certificate of search of the registry of paternity in this or another
25 state is admissible in a proceeding for adoption of, or termination of
26 parental rights regarding, a child and, if relevant, in other legal
27 proceedings.

28 **ARTICLE 5**
29 **GENETIC TESTING**

30 NEW SECTION. **Sec. 501.** SCOPE. Sections 502 through 511 of this
31 act govern genetic testing of an individual only to determine
32 parentage, whether the individual:

33 (1) Voluntarily submits to testing; or

34 (2) Is tested pursuant to an order of the court or a support
35 enforcement agency.

1 NEW SECTION. **Sec. 502.** ORDER FOR TESTING. (1) Except as
2 otherwise provided in this section and sections 503 through 637 of this
3 act, the court shall order the child and other designated individuals
4 to submit to genetic testing if the request for testing is supported by
5 the sworn statement of a party to the proceeding:

6 (a) Alleging paternity and stating facts establishing a reasonable
7 probability of the requisite sexual contact between the individuals; or

8 (b) Denying paternity and stating facts establishing a possibility
9 that sexual contact between the individuals, if any, did not result in
10 the conception of the child.

11 (2) A support enforcement agency may order genetic testing only if
12 there is no presumed, acknowledged, or adjudicated father.

13 (3) If a request for genetic testing of a child is made before
14 birth, the court or support enforcement agency may not order in utero
15 testing.

16 (4) If two or more men are subject to court-ordered genetic
17 testing, the testing may be ordered concurrently or sequentially.

18 NEW SECTION. **Sec. 503.** REQUIREMENTS FOR GENETIC TESTING. (1)
19 Genetic testing must be of a type reasonably relied upon by experts in
20 the field of genetic testing and performed in a testing laboratory
21 accredited by:

22 (a) The American association of blood banks, or a successor to its
23 functions;

24 (b) The American society for histocompatibility and immunogenetics,
25 or a successor to its functions; or

26 (c) An accrediting body designated by the United States secretary
27 of health and human services.

28 (2) A specimen used in genetic testing may consist of one or more
29 samples or a combination of samples of blood, buccal cells, bone, hair,
30 or other body tissue or fluid. The specimen used in the testing need
31 not be of the same kind for each individual undergoing genetic testing.

32 (3) Based on the ethnic or racial group of an individual, the
33 testing laboratory shall determine the data bases from which to select
34 frequencies for use in the calculations. If there is disagreement as
35 to the testing laboratory's choice, the following rules apply:

36 (a) The individual objecting may require the testing laboratory,
37 within thirty days after receipt of the report of the test, to

1 recalculate the probability of paternity using an ethnic or racial
2 group different from that used by the laboratory.

3 (b) The individual objecting to the testing laboratory's initial
4 choice shall:

5 (i) If the frequencies are not available to the testing laboratory
6 for the ethnic or racial group requested, provide the requested
7 frequencies compiled in a manner recognized by accrediting bodies; or

8 (ii) Engage another testing laboratory to perform the calculations.

9 (c) The testing laboratory may use its own statistical estimate if
10 there is a question regarding which ethnic or racial group is
11 appropriate. If available, the testing laboratory shall calculate the
12 frequencies using statistics for any other ethnic or racial group
13 requested.

14 (4) If, after recalculation using a different ethnic or racial
15 group, genetic testing does not rebuttably identify a man as the father
16 of a child under section 505 of this act, an individual who has been
17 tested may be required to submit to additional genetic testing.

18 NEW SECTION. Sec. 504. REPORT OF GENETIC TESTING. (1) The report
19 of genetic testing must be in a record and signed under penalty of
20 perjury by a designee of the testing laboratory. A report made under
21 the requirements of this section is self-authenticating.

22 (2) Documentation from the testing laboratory of the following
23 information is sufficient to establish a reliable chain of custody that
24 allows the results of genetic testing to be admissible without
25 testimony:

26 (a) The names and photographs of the individuals whose specimens
27 have been taken;

28 (b) The names of the individuals who collected the specimens;

29 (c) The places and dates the specimens were collected;

30 (d) The names of the individuals who received the specimens in the
31 testing laboratory; and

32 (e) The dates the specimens were received.

33 NEW SECTION. Sec. 505. GENETIC TESTING RESULTS--REBUTTAL. (1)
34 Under this chapter, a man is rebuttably identified as the father of a
35 child if the genetic testing complies with this section and sections
36 501 through 504 and 506 through 511 of this act and the results
37 disclose that:

1 (a) The man has at least a ninety-nine percent probability of
2 paternity, using a prior probability of 0.50, as calculated by using
3 the combined paternity index obtained in the testing; and

4 (b) A combined paternity index of at least one hundred to one.

5 (2) A man identified under subsection (1) of this section as the
6 father of the child may rebut the genetic testing results only by other
7 genetic testing satisfying the requirements of this section and
8 sections 501 through 504 and 506 through 511 of this act which:

9 (a) Excludes the man as a genetic father of the child; or

10 (b) Identifies another man as the father of the child.

11 (3) Except as otherwise provided in section 510 of this act, if
12 more than one man is identified by genetic testing as the possible
13 father of the child, the court shall order them to submit to further
14 genetic testing to identify the genetic father.

15 NEW SECTION. **Sec. 506.** COSTS OF GENETIC TESTING. (1) Subject to
16 assessment of costs under sections 601 through 637 of this act, the
17 cost of initial genetic testing must be advanced:

18 (a) By a support enforcement agency in a proceeding in which the
19 support enforcement agency is providing services;

20 (b) By the individual who made the request;

21 (c) As agreed by the parties; or

22 (d) As ordered by the court.

23 (2) In cases in which the cost is advanced by the support
24 enforcement agency, the agency may seek reimbursement from a man who is
25 rebuttably identified as the father.

26 NEW SECTION. **Sec. 507.** ADDITIONAL GENETIC TESTING. The court or
27 the support enforcement agency shall order additional genetic testing
28 upon the request of a party who contests the result of the original
29 testing. If the previous genetic testing identified a man as the
30 father of the child under section 505 of this act, the court or agency
31 may not order additional testing unless the party provides advance
32 payment for the testing.

33 NEW SECTION. **Sec. 508.** GENETIC TESTING WHEN SPECIMEN NOT
34 AVAILABLE. (1) If a genetic testing specimen is not available from a
35 man who may be the father of a child, for good cause and under

1 circumstances the court considers to be just, a court may order the
2 following individuals to submit specimens for genetic testing:

3 (a) The parents of the man;

4 (b) Brothers and sisters of the man;

5 (c) Other children of the man and their mothers; and

6 (d) Other relatives of the man necessary to complete genetic
7 testing.

8 (2) If a specimen from the mother of a child is not available for
9 genetic testing, the court may order genetic testing to proceed without
10 a specimen from the mother.

11 (3) Issuance of an order under this section requires a finding that
12 a need for genetic testing outweighs the legitimate interests of the
13 individual sought to be tested.

14 NEW SECTION. **Sec. 509.** DECEASED INDIVIDUAL. For good cause
15 shown, the court may order genetic testing of a deceased individual.

16 NEW SECTION. **Sec. 510.** IDENTICAL BROTHERS. (1) The court may
17 order genetic testing of a brother of a man identified as the father of
18 a child if the man is commonly believed to have an identical brother
19 and evidence suggests that the brother may be the genetic father of the
20 child.

21 (2) If genetic testing excludes none of the brothers as the genetic
22 father, and each brother satisfies the requirements as the identified
23 father of the child under section 505 of this act without consideration
24 of another identical brother being identified as the father of the
25 child, the court may rely on nongenetic evidence to adjudicate which
26 brother is the father of the child.

27 NEW SECTION. **Sec. 511.** CONFIDENTIALITY OF GENETIC TESTING. (1)
28 Release of the report of genetic testing for parentage is controlled by
29 chapter 70.02 RCW.

30 (2) An individual commits a gross misdemeanor punishable under RCW
31 9.92.020 if the individual intentionally releases an identifiable
32 specimen of another individual for any purpose other than that relevant
33 to the proceeding regarding parentage without a court order or the
34 written permission of the individual who furnished the specimen.

1 ARTICLE 6
2 PROCEEDING TO ADJUDICATE PARENTAGE

3 PART 1
4 NATURE OF PROCEEDING

5 NEW SECTION. **Sec. 601.** PROCEEDING AUTHORIZED. A civil proceeding
6 may be maintained to adjudicate the parentage of a child. The
7 proceeding is governed by the rules of civil procedure.

8 NEW SECTION. **Sec. 602.** STANDING TO MAINTAIN PROCEEDING. Subject
9 to sections 301 through 316, 607, and 609 of this act, a proceeding to
10 adjudicate parentage may be maintained by:

- 11 (1) The child;
- 12 (2) The mother of the child;
- 13 (3) A man whose paternity of the child is to be adjudicated;
- 14 (4) The division of child support;
- 15 (5) An authorized adoption agency or licensed child-placing agency;
- 16 (6) A representative authorized by law to act for an individual who
17 would otherwise be entitled to maintain a proceeding but who is
18 deceased, incapacitated, or a minor; or
- 19 (7) An intended parent under a surrogate parentage contract, as
20 provided in RCW 26.26.210 through 26.26.260.

21 NEW SECTION. **Sec. 603.** PARTIES TO PROCEEDING. The following
22 individuals must be joined as parties in a proceeding to adjudicate
23 parentage:

- 24 (1) The mother of the child;
- 25 (2) A man whose paternity of the child is to be adjudicated; and
- 26 (3) An intended parent under a surrogate parentage contract, as
27 provided in RCW 26.26.210 through 26.26.260.

28 NEW SECTION. **Sec. 604.** PERSONAL JURISDICTION. (1) An individual
29 may not be adjudicated to be a parent unless the court has personal
30 jurisdiction over the individual.

31 (2) A court of this state having jurisdiction to adjudicate
32 parentage may exercise personal jurisdiction over a nonresident
33 individual, or the guardian or conservator of the individual, if the
34 conditions prescribed in RCW 26.21.075 are fulfilled.

1 (3) Lack of jurisdiction over one individual does not preclude the
2 court from making an adjudication of parentage binding on another
3 individual over whom the court has personal jurisdiction.

4 NEW SECTION. Sec. 605. VENUE. Venue for a proceeding to
5 adjudicate parentage is in the county of this state in which:

6 (1) The child resides or is found;

7 (2) The respondent resides or is found if the child does not reside
8 in this state; or

9 (3) A proceeding for probate of the presumed or alleged father's
10 estate has been commenced.

11 NEW SECTION. Sec. 606. NO LIMITATION: CHILD HAVING NO PRESUMED,
12 ACKNOWLEDGED, OR ADJUDICATED FATHER. A proceeding to adjudicate the
13 parentage of a child having no presumed, acknowledged, or adjudicated
14 father may be commenced at any time during the life of the child, even
15 after:

16 (1) The child becomes an adult; or

17 (2) An earlier proceeding to adjudicate paternity has been
18 dismissed based on the application of a statute of limitation then in
19 effect.

20 NEW SECTION. Sec. 607. LIMITATION: CHILD HAVING PRESUMED FATHER.

21 (1) Except as otherwise provided in subsection (2) of this section, a
22 proceeding brought by a presumed father, the mother, or another
23 individual to adjudicate the parentage of a child having a presumed
24 father must be commenced not later than two years after the birth of
25 the child.

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

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

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

33 NEW SECTION. Sec. 608. AUTHORITY TO DENY GENETIC TESTING. (1) In
34 a proceeding to adjudicate parentage under circumstances described in
35 section 607 of this act, a court may deny genetic testing of the

1 mother, the child, and the presumed father if the court determines
2 that:

3 (a) The conduct of the mother or the presumed father estops that
4 party from denying parentage; and

5 (b) It would be inequitable to disprove the father-child
6 relationship between the child and the presumed father.

7 (2) In determining whether to deny genetic testing under this
8 section, the court shall consider the best interest of the child,
9 including the following factors:

10 (a) The length of time between the proceeding to adjudicate
11 parentage and the time that the presumed father was placed on notice
12 that he might not be the genetic father;

13 (b) The length of time during which the presumed father has assumed
14 the role of father of the child;

15 (c) The facts surrounding the presumed father's discovery of his
16 possible nonpaternity;

17 (d) The nature of the father-child relationship;

18 (e) The age of the child;

19 (f) The harm to the child which may result if presumed paternity is
20 successfully disproved;

21 (g) The relationship of the child to any alleged father;

22 (h) The extent to which the passage of time reduces the chances of
23 establishing the paternity of another man and a child support
24 obligation in favor of the child; and

25 (i) Other factors that may affect the equities arising from the
26 disruption of the father-child relationship between the child and the
27 presumed father or the chance of other harm to the child.

28 (3) In a proceeding involving the application of this section, the
29 child must be represented by a guardian ad litem.

30 (4) A denial of genetic testing must be based on clear and
31 convincing evidence.

32 (5) If the court denies genetic testing, it shall issue an order
33 adjudicating the presumed father to be the father of the child.

34 NEW SECTION. Sec. 609. LIMITATION: CHILD HAVING ACKNOWLEDGED OR
35 ADJUDICATED FATHER. (1) If a child has an acknowledged father, a
36 signatory to the acknowledgment or denial of paternity must commence
37 any proceeding seeking to rescind or challenge the paternity of that

1 child only within the time allowed under section 307 or 308 of this
2 act.

3 (2) If a child has an acknowledged father or an adjudicated father,
4 an individual, other than the child, who is neither a signatory to the
5 acknowledgment nor a party to the adjudication and who seeks an
6 adjudication of paternity of the child must commence a proceeding not
7 later than two years after the effective date of the acknowledgment or
8 adjudication.

9 NEW SECTION. **Sec. 610.** JOINDER OF PROCEEDINGS. (1) Except as
10 provided in subsection (2) of this section, a proceeding to adjudicate
11 parentage may be joined with a proceeding for: Adoption or termination
12 of parental rights under chapter 26.33 RCW; determination of a
13 parenting plan, child support, annulment, dissolution of marriage, or
14 legal separation under chapter 26.09 or 26.19 RCW; or probate or
15 administration of an estate under chapter 11.48 or 11.54 RCW, or other
16 appropriate proceeding.

17 (2) A respondent may not join the proceedings described in
18 subsection (1) of this section with a proceeding to adjudicate
19 parentage brought under chapter 26.21 RCW.

20 NEW SECTION. **Sec. 611.** PROCEEDING BEFORE BIRTH. Although a
21 proceeding to determine parentage may be commenced before the birth of
22 the child, the proceeding may not be concluded until after the birth of
23 the child. The following actions may be taken before the birth of the
24 child:

25 (1) Service of process;

26 (2) Discovery;

27 (3) Except as prohibited by section 502 of this act, collection of
28 specimens for genetic testing; and

29 (4) Temporary orders authorized under section 624 of this act.

30 NEW SECTION. **Sec. 612.** CHILD AS PARTY--REPRESENTATION. (1) A
31 minor child is a permissible party, but is not a necessary party to a
32 proceeding under sections 601 through 637 of this act.

33 (2) If the child is a party, or if the court finds that the
34 interests of a minor child or incapacitated child are not adequately
35 represented, the court shall appoint a guardian ad litem to represent

1 the child, subject to RCW 74.20.310 neither the child's mother or
2 father may represent the child as guardian or otherwise.

3 **PART 2**

4 **SPECIAL RULES FOR PROCEEDING TO ADJUDICATE PARENTAGE**

5 NEW SECTION. **Sec. 621.** ADMISSIBILITY OF RESULTS OF GENETIC
6 TESTING--EXPENSES. (1) Except as otherwise provided in subsection (3)
7 of this section, a record of a genetic testing expert is admissible as
8 evidence of the truth of the facts asserted in the report unless a
9 party objects to its admission within fourteen days after its receipt
10 by the objecting party and cites specific grounds for exclusion. The
11 admissibility of the report is not affected by whether the testing was
12 performed:

13 (a) Voluntarily or under an order of the court or a support
14 enforcement agency; or

15 (b) Before or after the commencement of the proceeding.

16 (2) A party objecting to the results of genetic testing may call
17 one or more genetic testing experts to testify in person or by
18 telephone, videoconference, deposition, or another method approved by
19 the court. Unless otherwise ordered by the court, the party offering
20 the testimony bears the expense for the expert testifying.

21 (3) If a child has a presumed, acknowledged, or adjudicated father,
22 the results of genetic testing are inadmissible to adjudicate parentage
23 unless performed:

24 (a) With the consent of both the mother and the presumed,
25 acknowledged, or adjudicated father; or

26 (b) Under an order of the court under section 502 of this act.

27 (4) Copies of bills for genetic testing and for prenatal and
28 postnatal health care for the mother and child that are furnished to
29 the adverse party not less than ten days before the date of a hearing
30 are admissible to establish:

31 (a) The amount of the charges billed; and

32 (b) That the charges were reasonable, necessary, and customary.

33 NEW SECTION. **Sec. 622.** CONSEQUENCES OF DECLINING GENETIC TESTING.

34 (1) An order for genetic testing is enforceable by contempt.

35 (2) If an individual whose paternity is being determined declines
36 to submit to genetic testing as ordered by the court, the court may on

1 that basis adjudicate parentage contrary to the position of that
2 individual.

3 (3) Genetic testing of the mother of a child is not a condition
4 precedent to testing the child and a man whose paternity is being
5 determined. If the mother is unavailable or declines to submit to
6 genetic testing, the court may order the testing of the child and every
7 man whose paternity is being adjudicated.

8 NEW SECTION. Sec. 623. ADMISSION OF PATERNITY AUTHORIZED. (1) A
9 respondent in a proceeding to adjudicate parentage may admit to the
10 paternity of a child by filing a pleading to that effect or by
11 admitting paternity under penalty of perjury when making an appearance
12 or during a hearing.

13 (2) If the court finds that the admission of paternity was made
14 under this section and finds that there is no reason to question the
15 admission, the court shall issue an order adjudicating the child to be
16 the child of the man admitting paternity.

17 NEW SECTION. Sec. 624. TEMPORARY ORDER. This section applies to
18 any proceeding under sections 601 through 637 of this act. (1) The
19 court shall issue a temporary order for support of a child if the
20 individual ordered to pay support:

21 (a) Is a presumed father of the child;

22 (b) Is petitioning to have his paternity adjudicated or has
23 admitted paternity in pleadings filed with the court;

24 (c) Is identified as the father through genetic testing under
25 section 505 of this act;

26 (d) Has declined to submit to genetic testing but is shown by clear
27 and convincing evidence to be the father of the child; or

28 (e) Is the mother of the child.

29 (2) A temporary order may, on the same basis as provided in chapter
30 26.09 RCW, make residential provisions with regard to minor children of
31 the parties, except that a parenting plan is not required unless
32 requested by a parent.

33 (3) Any party may request the court to issue a temporary
34 restraining order or preliminary injunction, providing relief proper in
35 the circumstances, and restraining or enjoining any party from:

36 (a) Molesting or disturbing the peace of another party;

1 (b) Going onto the grounds of or entering the home, workplace, or
2 school of another party or the day care or school of any child;

3 (c) Knowingly coming within, or knowingly remaining within, a
4 specified distance from a specified location; and

5 (d) Removing a child from the jurisdiction of the court.

6 (4) Either party may request a domestic violence protection order
7 under chapter 26.50 RCW or an antiharassment protection order under
8 chapter 10.14 RCW on a temporary basis. The court may grant any of the
9 relief provided in RCW 26.50.060 except relief pertaining to
10 residential provisions for the children which provisions shall be
11 provided for under this chapter, and any of the relief provided in RCW
12 10.14.080. Ex parte orders issued under this subsection shall be
13 effective for a fixed period not to exceed fourteen days, or upon court
14 order, not to exceed twenty-four days if necessary to ensure that all
15 temporary motions in the case can be heard at the same time.

16 (5) Restraining orders issued under this section restraining or
17 enjoining the person from molesting or disturbing another party, or
18 from going onto the grounds of or entering the home, workplace, or
19 school of the other party or the day care or school of any child, or
20 prohibiting the person from knowingly coming within, or knowingly
21 remaining within, a specified distance of a location, shall prominently
22 bear on the front page of the order the legend: VIOLATION OF THIS
23 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
24 CHAPTER 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

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

35 (7) If a restraining order issued pursuant to this section is
36 modified or terminated, the clerk of the court shall notify the law
37 enforcement agency specified in the order on or before the next
38 judicial day. Upon receipt of notice that an order has been

1 terminated, the law enforcement agency shall remove the order from any
2 computer-based criminal intelligence system.

3 (8) The court may issue a temporary restraining order without
4 requiring notice to the other party only if it finds on the basis of
5 the moving affidavit or other evidence that irreparable injury could
6 result if an order is not issued until the time for responding has
7 elapsed.

8 (9) The court may issue a temporary restraining order or
9 preliminary injunction and an order for temporary support in such
10 amounts and on such terms as are just and proper in the circumstances.
11 In issuing the order, the court shall consider the provisions of RCW
12 9.41.800.

13 (10) A temporary order, temporary restraining order, or preliminary
14 injunction:

15 (a) Does not prejudice the rights of a party or any child which are
16 to be adjudicated at subsequent hearings in the proceeding;

17 (b) May be revoked or modified;

18 (c) Terminates when the final order is entered or when the petition
19 is dismissed; and

20 (d) May be entered in a proceeding for the modification of an
21 existing order.

22 (11) A support debt owed to the state for public assistance
23 expenditures which has been charged against a party pursuant to RCW
24 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
25 extinguished by, the final decree or order, unless the office of
26 support enforcement has been given notice of the final proceeding and
27 an opportunity to present its claim for the support debt to the court
28 and has failed to file an affidavit as provided in this subsection.
29 Notice of the proceeding shall be served upon the office of support
30 enforcement personally, or by certified mail, and shall be given no
31 fewer than thirty days prior to the date of the final proceeding. An
32 original copy of the notice shall be filed with the court either before
33 service or within a reasonable time thereafter. The office of support
34 enforcement may present its claim, and thereby preserve the support
35 debt, by filing an affidavit setting forth the amount of the debt with
36 the court, and by mailing a copy of the affidavit to the parties or
37 their attorney prior to the date of the final proceeding.

1 PART 3

2 HEARINGS AND ADJUDICATION

3 NEW SECTION. **Sec. 631.** RULES FOR ADJUDICATION OF PATERNITY. The
4 court shall apply the following rules to adjudicate the paternity of a
5 child:

6 (1) The paternity of a child having a presumed, acknowledged, or
7 adjudicated father may be disproved only by admissible results of
8 genetic testing excluding that man as the father of the child or
9 identifying another man to be the father of the child.

10 (2) Unless the results of genetic testing are admitted to rebut
11 other results of genetic testing, the man identified as the father of
12 the child under section 505 of this act must be adjudicated the father
13 of the child.

14 (3) If the court finds that genetic testing under section 505 of
15 this act neither identifies nor excludes a man as the father of a
16 child, the court may not dismiss the proceeding. In that event, the
17 results of genetic testing, along with other evidence, are admissible
18 to adjudicate the issue of paternity.

19 (4) Unless the results of genetic testing are admitted to rebut
20 other results of genetic testing, a man excluded as the father of a
21 child by genetic testing must be adjudicated not to be the father of
22 the child.

23 NEW SECTION. **Sec. 632.** JURY PROHIBITED. The court, without a
24 jury, shall adjudicate parentage of a child.

25 NEW SECTION. **Sec. 633.** HEARINGS--INSPECTION OF RECORDS. (1) On
26 request of a party and for good cause shown, the court may close a
27 proceeding under this section and sections 601 through 632 and 634
28 through 637 of this act.

29 (2) A final order in a proceeding under this section and sections
30 601 through 632 and 634 through 637 of this act is available for public
31 inspection. Other papers and records are available only with the
32 consent of the parties or on order of the court for good cause.

33 NEW SECTION. **Sec. 634.** ORDER ON DEFAULT. The court shall issue
34 an order adjudicating the paternity of a man who:

35 (1) After service of process, is in default; and

1 (2) Is found by the court to be the father of a child.

2 NEW SECTION. **Sec. 635.** DISMISSAL FOR WANT OF PROSECUTION. The
3 court may issue an order dismissing a proceeding commenced under this
4 chapter for want of prosecution only without prejudice. An order of
5 dismissal for want of prosecution with prejudice is void and may be
6 challenged in another judicial or an administrative proceeding.

7 NEW SECTION. **Sec. 636.** ORDER ADJUDICATING PARENTAGE. (1) The
8 court shall issue an order adjudicating whether a man alleged or
9 claiming to be the father is the parent of the child.

10 (2) An order adjudicating parentage must identify the child by name
11 and age.

12 (3) Except as otherwise provided in subsection (4) of this section,
13 the court may assess filing fees, reasonable attorneys' fees, fees for
14 genetic testing, other costs, and necessary travel and other reasonable
15 expenses incurred in a proceeding under this section and sections 601
16 through 635 and 637 of this act. The court may award attorneys' fees,
17 which may be paid directly to the attorney, who may enforce the order
18 in the attorney's own name.

19 (4) The court may not assess fees, costs, or expenses against the
20 support enforcement agency of this state or another state, except as
21 provided by other law.

22 (5) On request of a party and for good cause shown, the court may
23 order that the name of the child be changed.

24 (6) If the order of the court is at variance with the child's birth
25 certificate, the court shall order the state registrar of vital
26 statistics to issue an amended birth certificate.

27 NEW SECTION. **Sec. 637.** BINDING EFFECT OF DETERMINATION OF
28 PARENTAGE. (1) Except as otherwise provided in subsection (2) of this
29 section, a determination of parentage is binding on:

30 (a) All signatories to an acknowledgment or denial of paternity as
31 provided in sections 301 through 316 of this act; and

32 (b) All parties to an adjudication by a court acting under
33 circumstances that satisfy the jurisdictional requirements of RCW
34 26.21.075.

35 (2) A child is not bound by a determination of parentage under this
36 chapter unless:

1 (a) The acknowledgment of paternity is consistent with the results
2 of the genetic testing;

3 (b) The adjudication of parentage was based on a finding consistent
4 with the results of genetic testing and the consistency is declared in
5 the determination or is otherwise shown; or

6 (c) The child was represented in the proceeding determining
7 parentage by a guardian ad litem.

8 (3) In a proceeding to dissolve a marriage, the court is deemed to
9 have made an adjudication of the parentage of a child if the court acts
10 under circumstances that satisfy the jurisdictional requirements of RCW
11 26.21.075, and the final order:

12 (a) Expressly identifies a child as a "child of the marriage,"
13 "issue of the marriage," or similar words indicating that the husband
14 is the father of the child; or

15 (b) Provides for support of the child by the husband unless
16 paternity is specifically disclaimed in the order.

17 (4) Except as otherwise provided in subsection (2) of this section,
18 a determination of parentage may be a defense in a subsequent
19 proceeding seeking to adjudicate parentage by an individual who was not
20 a party to the earlier proceeding.

21 (5) A party to an adjudication of paternity may challenge the
22 adjudication only under law of this state relating to appeal, vacation
23 of judgments, and other judicial review.

24 ARTICLE 7

25 CHILD OF ASSISTED REPRODUCTION

26 NEW SECTION. **Sec. 701.** SCOPE OF ARTICLE. Sections 702 through
27 707 of this act do not apply to the birth of a child conceived by means
28 of sexual intercourse.

29 NEW SECTION. **Sec. 702.** PARENTAL STATUS OF DONOR. A donor is not
30 a parent of a child conceived by means of assisted reproduction.

31 NEW SECTION. **Sec. 703.** HUSBAND'S PATERNITY OF CHILD OF ASSISTED
32 REPRODUCTION. If a husband provides sperm for, or consents to,
33 assisted reproduction by his wife as provided in section 704 of this
34 act, he is the father of a resulting child born to his wife.

1 NEW SECTION. **Sec. 704.** CONSENT TO ASSISTED REPRODUCTION. (1) A
2 consent to assisted reproduction by a married woman must be in a record
3 signed by the woman and her husband. This requirement does not apply
4 to the donation of eggs for assisted reproduction by another woman.

5 (2) Failure of the husband to sign a consent required by subsection
6 (1) of this section, before or after birth of the child, does not
7 preclude a finding that the husband is the father of a child born to
8 his wife if the wife and husband openly treated the child as their own.

9 NEW SECTION. **Sec. 705.** LIMITATION ON HUSBAND'S DISPUTE OF
10 PATERNITY. (1) Except as otherwise provided in subsection (2) of this
11 section, the husband of a wife who gives birth to a child by means of
12 assisted reproduction may not challenge his paternity of the child
13 unless:

14 (a) Within two years after learning of the birth of the child he
15 commences a proceeding to adjudicate his paternity; and

16 (b) The court finds that he did not consent to the assisted
17 reproduction, before or after birth of the child.

18 (2) A proceeding to adjudicate paternity may be maintained at any
19 time if the court determines that:

20 (a) The husband did not provide sperm for, or before or after the
21 birth of the child consent to, assisted reproduction by his wife;

22 (b) The husband and the mother of the child have not cohabited
23 since the probable time of assisted reproduction; and

24 (c) The husband never openly treated the child as his own.

25 (3) The limitation provided in this section applies to a marriage
26 declared invalid after assisted reproduction.

27 NEW SECTION. **Sec. 706.** EFFECT OF DISSOLUTION OF MARRIAGE. (1) If
28 a marriage is dissolved before placement of eggs, sperm, or an embryo,
29 the former spouse is not a parent of the resulting child unless the
30 former spouse consented in a record that if assisted reproduction were
31 to occur after a divorce, the former spouse would be a parent of the
32 child.

33 (2) The consent of the former spouse to assisted reproduction may
34 be revoked by that individual in a record at any time before placement
35 of eggs, sperm, or embryos.

1 NEW SECTION. Sec. 707. PARENTAL STATUS OF DECEASED SPOUSE. If a
2 spouse dies before placement of eggs, sperm, or an embryo, the deceased
3 spouse is not a parent of the resulting child unless the deceased
4 spouse consented in a record that if assisted reproduction were to
5 occur after death, the deceased spouse would be a parent of the child.

6 **ARTICLE 8**
7 **MISCELLANEOUS PROVISIONS**

8 **Sec. 801.** RCW 5.44.140 and 1990 c 175 s 1 are each amended to read
9 as follows:

10 In any proceeding regarding the determination of a family
11 relationship, including but not limited to the parent and child
12 relationship and the marriage relationship, a determination of family
13 relationships regarding any person or persons who immigrated to the
14 United States from a foreign country which was made or accepted by the
15 United States immigration and naturalization service at the time of
16 that person or persons' entry into the United States creates a
17 rebuttable presumption that the determination is valid and that the
18 family relationship under foreign law is as made or accepted at the
19 time of entry. Except as provided in (~~((RCW 26.26.040 (1)(f) and (2))~~)
20 section 204(2) of this act, the presumption may be overcome by a
21 preponderance of evidence showing that a living person other than the
22 person named by the United States immigration and naturalization
23 service is in the relationship in question.

24 **Sec. 802.** RCW 5.62.030 and 1986 c 212 s 2 are each amended to read
25 as follows:

26 Notwithstanding anything to the contrary in this chapter, the
27 privilege created in this chapter is subject to the same limitations
28 and exemptions contained in RCW (~~((26.26.1207))~~) 26.44.060(3)(~~(7)~~) and
29 51.04.050 as those limitations and exemptions relate to the
30 physician/patient privilege of RCW 5.60.060.

31 **Sec. 803.** RCW 9.41.070 and 1999 c 222 s 2 are each amended to read
32 as follows:

33 (1) The chief of police of a municipality or the sheriff of a
34 county shall within thirty days after the filing of an application of
35 any person, issue a license to such person to carry a pistol concealed

1 on his or her person within this state for five years from date of
2 issue, for the purposes of protection or while engaged in business,
3 sport, or while traveling. However, if the applicant does not have a
4 valid permanent Washington driver's license or Washington state
5 identification card or has not been a resident of the state for the
6 previous consecutive ninety days, the issuing authority shall have up
7 to sixty days after the filing of the application to issue a license.
8 The issuing authority shall not refuse to accept completed applications
9 for concealed pistol licenses during regular business hours.

10 The applicant's constitutional right to bear arms shall not be
11 denied, unless:

12 (a) He or she is ineligible to possess a firearm under the
13 provisions of RCW 9.41.040 or 9.41.045;

14 (b) The applicant's concealed pistol license is in a revoked
15 status;

16 (c) He or she is under twenty-one years of age;

17 (d) He or she is subject to a court order or injunction regarding
18 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,
19 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, ~~((26.26.137,))~~
20 26.50.060, ~~((or))~~ 26.50.070, or section 624 of this act;

21 (e) He or she is free on bond or personal recognizance pending
22 trial, appeal, or sentencing for a felony offense;

23 (f) He or she has an outstanding warrant for his or her arrest from
24 any court of competent jurisdiction for a felony or misdemeanor; or

25 (g) He or she has been ordered to forfeit a firearm under RCW
26 9.41.098(1)(e) within one year before filing an application to carry a
27 pistol concealed on his or her person.

28 No person convicted of a felony may have his or her right to
29 possess firearms restored or his or her privilege to carry a concealed
30 pistol restored, unless the person has been granted relief from
31 disabilities by the secretary of the treasury under 18 U.S.C. Sec.
32 925(c), or RCW 9.41.040 (3) or (4) applies.

33 (2) The issuing authority shall check with the national crime
34 information center, the Washington state patrol electronic data base,
35 the department of social and health services electronic data base, and
36 with other agencies or resources as appropriate, to determine whether
37 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess
38 a firearm and therefore ineligible for a concealed pistol license.

1 This subsection applies whether the applicant is applying for a new
2 concealed pistol license or to renew a concealed pistol license.

3 (3) Any person whose firearms rights have been restricted and who
4 has been granted relief from disabilities by the secretary of the
5 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.
6 Sec. 921(a)(20)(A) shall have his or her right to acquire, receive,
7 transfer, ship, transport, carry, and possess firearms in accordance
8 with Washington state law restored except as otherwise prohibited by
9 this chapter.

10 (4) The license application shall bear the full name, residential
11 address, telephone number at the option of the applicant, date and
12 place of birth, race, gender, description, not more than two complete
13 sets of fingerprints, and signature of the licensee, and the licensee's
14 driver's license number or state identification card number if used for
15 identification in applying for the license. A signed application for
16 a concealed pistol license shall constitute a waiver of confidentiality
17 and written request that the department of social and health services,
18 mental health institutions, and other health care facilities release
19 information relevant to the applicant's eligibility for a concealed
20 pistol license to an inquiring court or law enforcement agency.

21 The application for an original license shall include two complete
22 sets of fingerprints to be forwarded to the Washington state patrol.

23 The license and application shall contain a warning substantially
24 as follows:

25 CAUTION: Although state and local laws do not differ, federal
26 law and state law on the possession of firearms differ. If you
27 are prohibited by federal law from possessing a firearm, you
28 may be prosecuted in federal court. A state license is not a
29 defense to a federal prosecution.

30 The license shall contain a description of the major differences
31 between state and federal law and an explanation of the fact that local
32 laws and ordinances on firearms are preempted by state law and must be
33 consistent with state law. The application shall contain questions
34 about the applicant's eligibility under RCW 9.41.040 to possess a
35 pistol, the applicant's place of birth, and whether the applicant is a
36 United States citizen. The applicant shall not be required to produce
37 a birth certificate or other evidence of citizenship. A person who is
38 not a citizen of the United States shall meet the additional

1 requirements of RCW 9.41.170 and produce proof of compliance with RCW
2 9.41.170 upon application. The license shall be in triplicate and in
3 a form to be prescribed by the department of licensing.

4 The original thereof shall be delivered to the licensee, the
5 duplicate shall within seven days be sent to the director of licensing
6 and the triplicate shall be preserved for six years, by the authority
7 issuing the license.

8 The department of licensing shall make available to law enforcement
9 and corrections agencies, in an on-line format, all information
10 received under this subsection.

11 (5) The nonrefundable fee, paid upon application, for the original
12 five-year license shall be thirty-six dollars plus additional charges
13 imposed by the Federal Bureau of Investigation that are passed on to
14 the applicant. No other state or local branch or unit of government
15 may impose any additional charges on the applicant for the issuance of
16 the license.

17 The fee shall be distributed as follows:

18 (a) Fifteen dollars shall be paid to the state general fund;

19 (b) Four dollars shall be paid to the agency taking the
20 fingerprints of the person licensed;

21 (c) Fourteen dollars shall be paid to the issuing authority for the
22 purpose of enforcing this chapter; and

23 (d) Three dollars to the firearms range account in the general
24 fund.

25 (6) The nonrefundable fee for the renewal of such license shall be
26 thirty-two dollars. No other branch or unit of government may impose
27 any additional charges on the applicant for the renewal of the license.

28 The renewal fee shall be distributed as follows:

29 (a) Fifteen dollars shall be paid to the state general fund;

30 (b) Fourteen dollars shall be paid to the issuing authority for the
31 purpose of enforcing this chapter; and

32 (c) Three dollars to the firearms range account in the general
33 fund.

34 (7) The nonrefundable fee for replacement of lost or damaged
35 licenses is ten dollars to be paid to the issuing authority.

36 (8) Payment shall be by cash, check, or money order at the option
37 of the applicant. Additional methods of payment may be allowed at the
38 option of the issuing authority.

1 (9) A licensee may renew a license if the licensee applies for
2 renewal within ninety days before or after the expiration date of the
3 license. A license so renewed shall take effect on the expiration date
4 of the prior license. A licensee renewing after the expiration date of
5 the license must pay a late renewal penalty of ten dollars in addition
6 to the renewal fee specified in subsection (6) of this section. The
7 fee shall be distributed as follows:

8 (a) Three dollars shall be deposited in the state wildlife fund and
9 used exclusively first for the printing and distribution of a pamphlet
10 on the legal limits of the use of firearms, firearms safety, and the
11 preemptive nature of state law, and subsequently the support of
12 volunteer instructors in the basic firearms safety training program
13 conducted by the department of fish and wildlife. The pamphlet shall
14 be given to each applicant for a license; and

15 (b) Seven dollars shall be paid to the issuing authority for the
16 purpose of enforcing this chapter.

17 (10) Notwithstanding the requirements of subsections (1) through
18 (9) of this section, the chief of police of the municipality or the
19 sheriff of the county of the applicant's residence may issue a
20 temporary emergency license for good cause pending review under
21 subsection (1) of this section. However, a temporary emergency license
22 issued under this subsection shall not exempt the holder of the license
23 from any records check requirement. Temporary emergency licenses shall
24 be easily distinguishable from regular licenses.

25 (11) A political subdivision of the state shall not modify the
26 requirements of this section or chapter, nor may a political
27 subdivision ask the applicant to voluntarily submit any information not
28 required by this section.

29 (12) A person who knowingly makes a false statement regarding
30 citizenship or identity on an application for a concealed pistol
31 license is guilty of false swearing under RCW 9A.72.040. In addition
32 to any other penalty provided for by law, the concealed pistol license
33 of a person who knowingly makes a false statement shall be revoked, and
34 the person shall be permanently ineligible for a concealed pistol
35 license.

36 (13) A person may apply for a concealed pistol license:

37 (a) To the municipality or to the county in which the applicant
38 resides if the applicant resides in a municipality;

1 (b) To the county in which the applicant resides if the applicant
2 resides in an unincorporated area; or

3 (c) Anywhere in the state if the applicant is a nonresident.

4 **Sec. 804.** RCW 9.41.800 and 1996 c 295 s 14 are each amended to
5 read as follows:

6 (1) Any court when entering an order authorized under RCW
7 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
8 26.10.040, 26.10.115, 26.26.130, (~~(26.26.137)~~) 26.50.060, (~~(or)~~)
9 26.50.070, or section 624 of this act shall, upon a showing by clear
10 and convincing evidence, that a party has: Used, displayed, or
11 threatened to use a firearm or other dangerous weapon in a felony, or
12 previously committed any offense that makes him or her ineligible to
13 possess a firearm under the provisions of RCW 9.41.040:

14 (a) Require the party to surrender any firearm or other dangerous
15 weapon;

16 (b) Require the party to surrender any concealed pistol license
17 issued under RCW 9.41.070;

18 (c) Prohibit the party from obtaining or possessing a firearm or
19 other dangerous weapon;

20 (d) Prohibit the party from obtaining or possessing a concealed
21 pistol license.

22 (2) Any court when entering an order authorized under RCW
23 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
24 26.10.040, 26.10.115, 26.26.130, (~~(26.26.137)~~) 26.50.060, (~~(or)~~)
25 26.50.070, or section 624 of this act may, upon a showing by a
26 preponderance of the evidence but not by clear and convincing evidence,
27 that a party has: Used, displayed, or threatened to use a firearm or
28 other dangerous weapon in a felony, or previously committed any offense
29 that makes him or her ineligible to possess a pistol under the
30 provisions of RCW 9.41.040:

31 (a) Require the party to surrender any firearm or other dangerous
32 weapon;

33 (b) Require the party to surrender a concealed pistol license
34 issued under RCW 9.41.070;

35 (c) Prohibit the party from obtaining or possessing a firearm or
36 other dangerous weapon;

37 (d) Prohibit the party from obtaining or possessing a concealed
38 pistol license.

1 (3) The court may order temporary surrender of a firearm or other
2 dangerous weapon without notice to the other party if it finds, on the
3 basis of the moving affidavit or other evidence, that irreparable
4 injury could result if an order is not issued until the time for
5 response has elapsed.

6 (4) In addition to the provisions of subsections (1), (2), and (3)
7 of this section, the court may enter an order requiring a party to
8 comply with the provisions in subsection (1) of this section if it
9 finds that the possession of a firearm or other dangerous weapon by any
10 party presents a serious and imminent threat to public health or
11 safety, or to the health or safety of any individual.

12 (5) The requirements of subsections (1), (2), and (4) of this
13 section may be for a period of time less than the duration of the
14 order.

15 (6) The court may require the party to surrender any firearm or
16 other dangerous weapon in his or her immediate possession or control or
17 subject to his or her immediate possession or control to the sheriff of
18 the county having jurisdiction of the proceeding, the chief of police
19 of the municipality having jurisdiction, or to the restrained or
20 enjoined party's counsel or to any person designated by the court.

21 **Sec. 805.** RCW 74.20.310 and 1991 c 367 s 45 are each amended to
22 read as follows:

23 (1) The provisions of ((RCW 26.26.090)) section 612 of this act
24 requiring appointment of a ((general guardian or)) guardian ad litem to
25 represent the child in an action brought to determine the parent and
26 child relationship do not apply to actions brought under chapter 26.26
27 RCW if:

28 (a) The action is brought by the attorney general on behalf of the
29 department of social and health services and the child; or

30 (b) The action is brought by any prosecuting attorney on behalf of
31 the state and the child when referral has been made to the prosecuting
32 attorney by the department of social and health services requesting
33 such action.

34 (2) On the issue of parentage, the attorney general or prosecuting
35 attorney functions as the child's guardian ad litem provided the
36 interests of the state and the child are not in conflict.

37 (3) The court, on its own motion or on motion of a party, may
38 appoint a guardian ad litem when necessary.

1 (4) The summons shall contain a notice to the parents that pursuant
2 to section 612 of this act the parents have a right to move the court
3 for a guardian ad litem for the child other than the prosecuting
4 attorney or the attorney general subject to subsection (2) of this
5 section.

6 **Sec. 806.** RCW 74.20.360 and 1997 c 58 s 901 are each amended to
7 read as follows:

8 (1) The division of child support may issue an order for genetic
9 testing when providing services under this chapter and Title IV-D of
10 the federal social security act if genetic testing:

11 (a) Is appropriate in an action under chapter 26.26 RCW, the
12 uniform parentage act;

13 (b) Is appropriate in an action to establish support under RCW
14 74.20A.056; or

15 (c) Would assist the parties or the division of child support in
16 determining whether it is appropriate to proceed with an action to
17 establish or disestablish paternity.

18 (2) The order for genetic testing shall be served on the alleged
19 parent or parents and the legal parent by personal service or by any
20 form of mail requiring a return receipt.

21 (3) Within twenty days of the date of service of an order for
22 genetic testing, any party required to appear for genetic testing, the
23 child, or a guardian on the child's behalf, may petition in superior
24 court under chapter 26.26 RCW to bar or postpone genetic testing.

25 (4) The order for genetic testing shall contain:

26 (a) An explanation of the right to proceed in superior court under
27 subsection (3) of this section;

28 (b) Notice that if no one proceeds under subsection (3) of this
29 section, the agency issuing the order will schedule genetic testing and
30 will notify the parties of the time and place of testing by regular
31 mail;

32 (c) Notice that the parties must keep the agency issuing the order
33 for genetic testing informed of their residence address and that
34 mailing a notice of time and place for genetic testing to the last
35 known address of the parties by regular mail constitutes valid service
36 of the notice of time and place;

37 (d) Notice that the order for genetic testing may be enforced
38 through:

1 (i) Public assistance grant reduction for noncooperation, pursuant
2 to agency rule, if the child and custodian are receiving public
3 assistance;

4 (ii) Termination of support enforcement services under Title IV-D
5 of the federal social security act if the child and custodian are not
6 receiving public assistance;

7 (iii) A referral to superior court for an appropriate action under
8 chapter 26.26 RCW; or

9 (iv) A referral to superior court for remedial sanctions under RCW
10 7.21.060.

11 (5) The department may advance the costs of genetic testing under
12 this section.

13 (6) If an action is pending under chapter 26.26 RCW, a judgment for
14 reimbursement of the cost of genetic testing may be awarded under ((RCW
15 ~~26.26.100~~) section 621 of this act).

16 (7) If no action is pending in superior court, the department may
17 impose an obligation to reimburse costs of genetic testing according to
18 rules adopted by the department to implement RCW 74.20A.056.

19 **Sec. 807.** RCW 74.20A.056 and 1997 c 58 s 941 are each amended to
20 read as follows:

21 (1) If an alleged father has signed an affidavit acknowledging
22 paternity which has been filed with the state registrar of vital
23 statistics before July 1, 1997, the division of child support may serve
24 a notice and finding of parental responsibility on him. Procedures for
25 and responsibility resulting from acknowledgments filed after July 1,
26 1997, are in subsections (8) and (9) of this section. Service of the
27 notice shall be in the same manner as a summons in a civil action or by
28 certified mail, return receipt requested. The notice shall have
29 attached to it a copy of the affidavit or certification of birth record
30 information advising of the existence of a filed affidavit, provided by
31 the state registrar of vital statistics, and shall state that:

32 (a) The alleged father may file an application for an adjudicative
33 proceeding at which he will be required to appear and show cause why
34 the amount stated in the finding of financial responsibility as to
35 support is incorrect and should not be ordered;

36 (b) An alleged father may request that a blood or genetic test be
37 administered to determine whether such test would exclude him from
38 being a natural parent and, if not excluded, may subsequently request

1 that the division of child support initiate an action in superior court
2 to determine the existence of the parent-child relationship; and

3 (c) If the alleged father does not request that a blood or genetic
4 test be administered or file an application for an adjudicative
5 proceeding, the amount of support stated in the notice and finding of
6 parental responsibility shall become final, subject only to a
7 subsequent determination under ((RCW 26.26.060)) sections 601 through
8 637 of this act that the parent-child relationship does not exist.

9 (2) An alleged father who objects to the amount of support
10 requested in the notice may file an application for an adjudicative
11 proceeding up to twenty days after the date the notice was served. An
12 application for an adjudicative proceeding may be filed within one year
13 of service of the notice and finding of parental responsibility without
14 the necessity for a showing of good cause or upon a showing of good
15 cause thereafter. An adjudicative proceeding under this section shall
16 be pursuant to RCW 74.20A.055. The only issues shall be the amount of
17 the accrued debt, the amount of the current and future support
18 obligation, and the reimbursement of the costs of blood or genetic
19 tests if advanced by the department.

20 (3) If the application for an adjudicative proceeding is filed
21 within twenty days of service of the notice, collection action shall be
22 stayed pending a final decision by the department. If no application
23 is filed within twenty days:

24 (a) The amounts in the notice shall become final and the debt
25 created therein shall be subject to collection action; and

26 (b) Any amounts so collected shall neither be refunded nor returned
27 if the alleged father is later found not to be a responsible parent.

28 (4) An alleged father who denies being a responsible parent may
29 request that a blood or genetic test be administered at any time. The
30 request for testing shall be in writing and served on the division of
31 child support personally or by registered or certified mail. If a
32 request for testing is made, the department shall arrange for the test
33 and, pursuant to rules adopted by the department, may advance the cost
34 of such testing. The department shall mail a copy of the test results
35 by certified mail, return receipt requested, to the alleged father's
36 last known address.

37 (5) If the test excludes the alleged father from being a natural
38 parent, the division of child support shall file a copy of the results
39 with the state registrar of vital statistics and shall dismiss any

1 pending administrative collection proceedings based upon the affidavit
2 in issue. The state registrar of vital statistics shall remove the
3 alleged father's name from the birth certificate and change the child's
4 surname to be the same as the mother's maiden name as stated on the
5 birth certificate, or any other name which the mother may select.

6 (6) The alleged father may, within twenty days after the date of
7 receipt of the test results, request the division of child support to
8 initiate an action under ((RCW 26.26.060)) sections 601 through 637 of
9 this act to determine the existence of the parent-child relationship.
10 If the division of child support initiates a superior court action at
11 the request of the alleged father and the decision of the court is that
12 the alleged father is a natural parent, the alleged father shall be
13 liable for court costs incurred.

14 (7) If the alleged father does not request the division of child
15 support to initiate a superior court action, or if the alleged father
16 fails to appear and cooperate with blood or genetic testing, the notice
17 of parental responsibility shall become final for all intents and
18 purposes and may be overturned only by a subsequent superior court
19 order entered under ((RCW 26.26.060)) sections 601 through 637 of this
20 act.

21 (8)(a) If an alleged father has signed an affidavit acknowledging
22 paternity that has been filed with the state registrar of vital
23 statistics after July 1, 1997, within sixty days from the date of
24 filing of the acknowledgment:

25 (i) The division of child support may serve a notice and finding of
26 parental responsibility on him as set forth under this section; and

27 (ii) The alleged father or any other signatory may rescind his
28 acknowledgment of paternity. The rescission shall be notarized and
29 delivered to the state registrar of vital statistics personally or by
30 registered or certified mail. The state registrar shall remove the
31 father's name from the birth certificate and change the child's surname
32 to be the same as the mother's maiden name as stated on the birth
33 certificate or any other name that the mother may select. The state
34 registrar shall file rescission notices in a sealed file. All future
35 paternity actions on behalf of the child in question shall be performed
36 under court order.

37 (b) If the alleged father does not file an application for an
38 adjudicative proceeding or rescind his acknowledgment of paternity, the
39 amount of support stated in the notice and finding of parental

1 responsibility becomes final, subject only to a subsequent
2 determination under ((RCW 26.26.060)) sections 601 through 637 of this
3 act that the parent-child relationship does not exist.

4 (c) An alleged father who objects to the amount of support
5 requested in the notice may file an application for an adjudicative
6 proceeding up to twenty days after the date the notice was served. An
7 application for an adjudicative proceeding may be filed within one year
8 of service of the notice and finding of parental responsibility without
9 the necessity for a showing of good cause or upon a showing of good
10 cause thereafter. An adjudicative proceeding under this section shall
11 be pursuant to RCW 74.20A.055. The only issues shall be the amount of
12 the accrued debt and the amount of the current and future support
13 obligation.

14 (i) If the application for an adjudicative proceeding is filed
15 within twenty days of service of the notice, collection action shall be
16 stayed pending a final decision by the department.

17 (ii) If the application for an adjudicative proceeding is not filed
18 within twenty days of the service of the notice, any amounts collected
19 under the notice shall be neither refunded nor returned if the alleged
20 father is later found not to be a responsible parent.

21 (d) If an alleged father makes a request for genetic testing, the
22 department shall proceed as set forth under RCW 74.20.360.

23 (e) If the alleged father does not request an adjudicative
24 proceeding, or if the alleged father fails to rescind his filed
25 acknowledgment of paternity, the notice of parental responsibility
26 becomes final for all intents and purposes and may be overturned only
27 by a subsequent superior court order entered under ((RCW 26.26.060))
28 sections 601 through 637 of this act.

29 (9) Affidavits acknowledging paternity that are filed after July 1,
30 1997, are subject to requirements of chapters 26.26 and 70.58 RCW.

31 (10) The department and the department of health may adopt rules to
32 implement the requirements under this section.

33 NEW SECTION. **Sec. 808.** UNIFORMITY OF APPLICATION AND
34 CONSTRUCTION. In applying and construing this uniform act,
35 consideration must be given to the need to promote uniformity of the
36 law with respect to its subject matter among states that enact it.

1 NEW SECTION. **Sec. 809.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 810.** The following acts or parts of acts are
6 each repealed:

7 (1) RCW 26.26.010 ("Parent and child relationship" defined) and
8 1975-'76 2nd ex.s. c 42 s 2;

9 (2) RCW 26.26.020 (Relationship not dependent on marriage) and
10 1975-'76 2nd ex.s. c 42 s 3;

11 (3) RCW 26.26.030 (How parent and child relationship established)
12 and 1985 c 7 s 86 & 1975-'76 2nd ex.s. c 42 s 4;

13 (4) RCW 26.26.035 (Default) and 1994 c 230 s 13;

14 (5) RCW 26.26.040 (Presumption of paternity) and 1997 c 58 s 938,
15 1994 c 230 s 14, 1990 c 175 s 2, 1989 c 55 s 4, & 1975-'76 2nd ex.s. c
16 42 s 5;

17 (6) RCW 26.26.050 (Artificial insemination) and 1975-'76 2nd ex.s.
18 c 42 s 6;

19 (7) RCW 26.26.060 (Determination of father and child relationship--
20 Who may bring action--When action may be brought) and 1983 1st ex.s. c
21 41 s 5 & 1975-'76 2nd ex.s. c 42 s 7;

22 (8) RCW 26.26.070 (Determination of father and child relationship--
23 Petition to arrest alleged father--Warrant of arrest--Issuance--
24 Grounds--Hearing) and 1975-'76 2nd ex.s. c 42 s 8;

25 (9) RCW 26.26.080 (Jurisdiction--Venue) and 1975-'76 2nd ex.s. c 42
26 s 9;

27 (10) RCW 26.26.090 (Parties) and 1984 c 260 s 31, 1983 1st ex.s. c
28 41 s 6, & 1975-'76 2nd ex.s. c 42 s 10;

29 (11) RCW 26.26.100 (Blood or genetic tests) and 1997 c 58 s 946;

30 (12) RCW 26.26.110 (Evidence relating to paternity) and 1994 c 146
31 s 2, 1984 c 260 s 33, & 1975-'76 2nd ex.s. c 42 s 12;

32 (13) RCW 26.26.120 (Civil action--Testimony--Evidence--Jury) and
33 1994 c 146 s 3, 1984 c 260 s 34, & 1975-'76 2nd ex.s. c 42 s 13;

34 (14) RCW 26.26.137 (Temporary support--Temporary restraining
35 order--Preliminary injunction--Domestic violence or antiharassment
36 protection order--Notice of modification or termination of restraining
37 order--Support debts, notice) and 2000 c 119 s 11, 1995 c 246 s 32,
38 1994 sp.s. c 7 s 456, & 1983 1st ex.s. c 41 s 12;

1 (15) RCW 26.26.170 (Action to determine mother and child
2 relationship) and 1975-'76 2nd ex.s. c 42 s 18;

3 (16) RCW 26.26.180 (Promise to render support) and 1983 1st ex.s.
4 c 41 s 9 & 1975-'76 2nd ex.s. c 42 s 19;

5 (17) RCW 26.26.200 (Hearing or trials to be in closed court--
6 Records confidential) and 1983 1st ex.s. c 41 s 10 & 1975-'76 2nd ex.s.
7 c 42 s 21;

8 (18) RCW 26.26.900 (Uniformity of application and construction) and
9 1975-'76 2nd ex.s. c 42 s 42;

10 (19) RCW 26.26.901 (Short title) and 1975-'76 2nd ex.s. c 42 s 43;
11 and

12 (20) RCW 26.26.905 (Severability--1975-'76 2nd ex.s. c 42) and
13 1975-'76 2nd ex.s. c 42 s 44.

14 NEW SECTION. **Sec. 811.** TRANSITIONAL PROVISION. A proceeding to
15 adjudicate parentage which was commenced before the effective date of
16 this act is governed by the law in effect at the time the proceeding
17 was commenced.

18 NEW SECTION. **Sec. 812.** CAPTIONS, ARTICLE DESIGNATIONS, AND
19 ARTICLE HEADINGS NOT LAW. Captions, article designations, and article
20 headings used in this chapter are not any part of the law.

21 NEW SECTION. **Sec. 813.** EFFECTIVE DATE. This act takes effect
22 July 1, 2002.

23 NEW SECTION. **Sec. 814.** Sections 101 through 707, 808, 809, and
24 811 through 813 of this act are each added to chapter 26.26 RCW.

--- END ---