

HOUSE BILL REPORT

HB 3092

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to the uniform parentage act.

Brief Description: Providing time for signing denial of paternity.

Sponsors: Representative Delvin.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 2/4/04 [DPS].

Brief Summary of Substitute Bill

- Clarifies when a court proceeding to rescind an acknowledgement or denial of paternity may be commenced.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Dickerson, Chair; Pettigrew, Vice Chair; Delvin, Ranking Minority Member; Hinkle, Lovick and Upthegrove.

Minority Report: Without recommendation. Signed by 1 member: Representative Carrell.

Staff: Sonja Hallum (786-7092).

Background:

The parent-child relationship is governed by the Uniform Parentage Act (UPA). The UPA was adopted by Washington in 1975 and became effective in 1976. In 2002, the UPA was repealed and the UPA of 2002 was adopted. The UPA of 2002 was significantly the same as the older version, but made changes to the procedures for establishing paternity. The UPA statute has become virtually the exclusive procedure used for the determination of paternity.

To determine the existence of a father-child relationship, the UPA distinguishes between a presumed father, an acknowledged father, and an adjudicated father.

A presumed father may contest the presumption through a proceeding in court to adjudicate parentage or through the statutory process of denial of paternity. Under the statutory denial of paternity process, a court proceeding to adjudicate parentage is not required. Rather, the

denial becomes effective upon the birth of the child or the filing of the document with the state registrar of vital statistics, whichever occurs later.

A person who has signed an acknowledgement or denial of paternity may rescind the acknowledgement or denial of paternity by commencing a court proceeding to rescind before the earlier of (a) 60 days after the effective date of the filing of the acknowledgement or denial, or b) the date of the first hearing in a proceeding to adjudicate an issue related to the child.

Summary of Substitute Bill:

The bill removes language in the statute authorizing rescission of the acknowledgement or denial of paternity. The current law permits the rescission upon the earlier of two dates. One of the two dates is 60 days following the effective date of the filing of the acknowledgment or denial. Because the effective date of the acknowledgment or denial can be either the birth of the child or the filing of the acknowledgment or denial, the current language of the rescission statute may not be accurate. The removal of the words "of the filing" may clarify the meaning of "effective date."

Substitute Bill Compared to Original Bill:

The substitute removes the language creating a time limitation on when a denial of paternity by a presumed father may be valid.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support on HB 2562) This bill is meant to clarify the law to have certainty. There is a possibility the law can be read as having no time limit when denial of paternity can be filed. We want the issue of parentage resolved early, while the child is young, for certainty and support and not later just because an adult wants it changed. It has been assumed that there was already a two-year time limitation because it is the equivalent of an adjudication and an adjudication has a two-year time limitation.

Testimony Against: None.

Persons Testifying: (In support on HB 2562) Judge Marlin Appelwick, Uniform Legislation Commission.

Persons Signed In To Testify But Not Testifying: None.