

# SENATE BILL REPORT

## SB 6301

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As of January 26, 2004

**Title:** An act relating to proceedings to adjudicate parentage.

**Brief Description:** Regarding the use of genetic testing in proceedings to adjudicate parentage.

**Sponsors:** Senator Prentice.

**Brief History:**

**Committee Activity:** Children & Family Services & Corrections: 1/28/04.

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### SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

**Staff:** Fara Daun (786-7459)

**Background:** Current Washington law establishes procedure for disproving paternity. Under most circumstances, a proceeding must be brought within two years of the child's birth. However, if the presumed father and the mother neither cohabited nor engaged in intercourse during the probable time of conception and the presumed father never openly treated the child as his own, a proceeding to disprove paternity can be maintained at any time.

**Summary of Bill:** A proceeding to disprove paternity may be maintained at any time when genetic testing results show that there is zero percent probability that the presumed father is the biological father and the following apply:

- the genetic test was properly conducted;
- the presumed father has not adopted the child;
- the child was not conceived through artificial insemination during the marriage of the mother and the presumed father; and
- the presumed father did not act to prevent the biological father from asserting his parental rights with respect to the child.

When the presumed father knows he is not the biological father of the child, a proceeding cannot go forward if the presumed father has:

- married the mother and voluntarily assumed the parental obligation and duty to pay child support or been required to support the child because of a written voluntary promise;
- acknowledged paternity in a sworn statement or signed an acknowledgment of paternity;
- been named as the biological father on the birth certificate with his consent or proclaimed himself to be the biological father; or
- disregarded a written notice from any state agency or the court to submit to genetic testing.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.