
HOUSE BILL 2788

State of Washington

59th Legislature

2006 Regular Session

By Representatives McDonald, Hinkle, Schindler and Shabro

Read first time 01/13/2006. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to creating a putative father registry; adding new
2 sections to chapter 26.26 RCW; creating a new section; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** INTENT. The legislature recognizes the
6 importance of having both a child's mother and father be a part of
7 decisions made about a child's future. Further, the legislature
8 recognizes that many children are born out of wedlock, which
9 demonstrates a need for an effective process to keep track of claims of
10 paternity for these children. The legislature finds that the uniform
11 parentage act of 2002 includes the creation of a paternity registry for
12 men who wish to be notified of proceedings involving young children
13 that they may have fathered. The legislature further finds that the
14 creation of a paternity registry will assist in both protecting a
15 putative father's rights in a termination of parental rights proceeding
16 and in facilitating infant adoptions in the state.

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

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

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

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

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

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

18 NEW SECTION. **Sec. 4.** NOTICE OF PROCEEDING. Notice of a
19 proceeding for the adoption of, or termination of parental rights
20 regarding, a child must be given to a registrant who has timely
21 registered. Notice must be given in a manner prescribed for service of
22 process in a civil action.

23 NEW SECTION. **Sec. 5.** TERMINATION OF PARENTAL RIGHTS--CHILD LESS
24 THAN ONE YEAR OF AGE. The parental rights of a man who may be the
25 father of a child may be terminated without notice if:

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

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

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

32 NEW SECTION. **Sec. 6.** TERMINATION OF PARENTAL RIGHTS--CHILD AT
33 LEAST ONE YEAR OF AGE. (1) If a child has attained one year of age,
34 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 NEW SECTION. **Sec. 7.** REQUIRED FORM. The state registrar of vital
7 statistics shall prepare a form for registering with the agency. The
8 form must be signed by the registrant. The form must contain a notice
9 to the registrant that he signs the form under penalty of perjury. The
10 form must also provide notice to the registrant that:

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

14 (2) A timely registration does not commence a proceeding to
15 establish paternity;

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

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

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

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

24 (7) Procedures exist to rescind the registration of a claim of
25 paternity.

26 NEW SECTION. **Sec. 8.** FURNISHING OF INFORMATION--CONFIDENTIALITY.

27 (1) The state registrar of vital statistics need not seek to locate the
28 mother of a child who is the subject of a registration, but, if the
29 mother's address has been provided, the state registrar of vital
30 statistics shall send a copy of the notice of the registration to her
31 at that address.

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

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

35 (b) The mother of the child who is the subject of the registration;

36 (c) An agency authorized by other law to receive the information;

1 (d) A licensed child-placing agency;

2 (e) A support enforcement agency;

3 (f) A party or the party's attorney of record in a proceeding under
4 this chapter or in a proceeding for adoption of, or for termination of
5 parental rights regarding, a child who is the subject of the
6 registration; and

7 (g) The registry of paternity in another state.

8 NEW SECTION. **Sec. 9.** PENALTY FOR RELEASING INFORMATION. An
9 individual commits a gross misdemeanor punishable under RCW 9.92.020 if
10 the individual intentionally releases information from the registry to
11 another individual or agency not authorized to receive the information
12 under section 8 of this act.

13 NEW SECTION. **Sec. 10.** RESCISSION OF REGISTRATION. A registrant
14 may rescind his registration at any time by sending to the registry a
15 written rescission signed by him and witnessed or notarized.

16 NEW SECTION. **Sec. 11.** UNTIMELY REGISTRATION. If a man registers
17 more than thirty days after the birth of the child, the state registrar
18 of vital statistics shall notify the registrant that on its face his
19 registration was not filed timely.

20 NEW SECTION. **Sec. 12.** FEES FOR REGISTRY. (1) The state registrar
21 of vital statistics may charge a reasonable fee for filing a
22 registration or a rescission of registration.

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

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

28 NEW SECTION. **Sec. 13.** SEARCH OF APPROPRIATE REGISTRY. (1) If a
29 father-child relationship has not been established under this chapter
30 for a child under one year of age, a petitioner for adoption of, or
31 termination of parental rights regarding, the child must obtain a
32 certificate of search of the registry of paternity.

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

6 NEW SECTION. Sec. 14. CERTIFICATE OF SEARCH OF REGISTRY. (1) The
7 state registrar of vital statistics shall furnish a certificate of
8 search of the registry on request of an individual, court, or agency
9 identified in section 8 of this act.

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

- 13 (a) A search has been made of the registry; and
- 14 (b) A registration containing the information required to identify
15 the registrant:
 - 16 (i) Has been found and is attached to the certificate of search; or
 - 17 (ii) Has not been found.

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

21 NEW SECTION. Sec. 15. ADMISSIBILITY OF REGISTERED INFORMATION.
22 A certificate of search of the registry of paternity in this or another
23 state is admissible in a proceeding for adoption of, or termination of
24 parental rights regarding, a child and, if relevant, in other legal
25 proceedings.

26 NEW SECTION. Sec. 16. Sections 1 through 15 of this act are each
27 added to chapter 26.26 RCW.

28 NEW SECTION. Sec. 17. Section captions used in this act
29 constitute no part of the law.

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