

E2SHB 1267 - S AMD TO S AMD (2783.3/11) **370**

By Senator Brown

OUT OF ORDER 04/12/2011

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2 On page 6, beginning on line 17, strike all of Section 8
3 and insert the following:

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5 "**Sec. 8** RCW 26.26.116 and 2002 c 302 s 204 are each amended to
6 read as follows:

7 (1) In the context of a marriage or a domestic partnership, a
8 ~~((man))~~ person is presumed to be the ~~((father))~~ parent of a child if:

9 (a) ~~((He))~~ The person and the mother or father of the child are
10 married to each other or in a domestic partnership with each other and
11 the child is born during the marriage or domestic partnership;

12 (b) ~~((He))~~ The person and the mother or father of the child were
13 married to each other or in a domestic partnership with each other and
14 the child is born within three hundred days after the marriage or
15 domestic partnership is terminated by death, annulment, dissolution
16 ~~((of marriage))~~, legal separation, or declaration of invalidity;

17 (c) Before the birth of the child, ~~((he))~~ the person and the
18 mother or father of the child married each other or entered into a
19 domestic partnership with each other in apparent compliance with law,
20 even if the attempted marriage or domestic partnership is, or could
21 be, declared invalid and the child is born during the invalid marriage
22 or invalid domestic partnership or within three hundred days after its
23 termination by death, annulment, dissolution ~~((of marriage))~~, legal
24 separation, or declaration of invalidity; or

25 (d) After the birth of the child, ~~((he))~~ the person and the mother
26 or father of the child have married each other or entered into a
27 domestic partnership with each other in apparent compliance with law,

1 whether or not the marriage or domestic partnership is, or could be
2 declared invalid, and ((he)) the person voluntarily asserted ((his
3 ~~paternity~~) parentage of the child, and:

4 (i) The assertion is in a record filed with the state registrar of
5 vital statistics;

6 (ii) The person agreed to be and is named as the child's
7 ((father)) parent on the child's birth certificate; or

8 (iii) The person promised in a record to support the child as his
9 or her own.

10 (2) A person is presumed to be the parent of the child if, for the
11 first two years of the child's life, the person resided in the same
12 household with the child and openly held out the child as his or her
13 own child.

14 (3) A presumption of ((paternity)) parentage established under
15 this section may be rebutted only by an adjudication under RCW
16 26.26.500 through 26.26.630."

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EFFECT: Restores language to the striking amendment consistent
with the underlying bill regarding a presumption of parentage.

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