

FINAL BILL REPORT

SSB 5333

C 46 L 19

Synopsis as Enacted

Brief Description: Making changes related to the uniform parentage act for access to court records, entry of protective orders by the court, use of mandatory forms, criteria for notice of a proceeding to adjudicate parentage, compliance with regulations of the food and drug administration, enacting a repealed section of chapter 26.26 RCW, clarifying the crimes included in sexual assault for purposes of preclusion of parentage, and correcting citations and terminology.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Pedersen and Rivers).

Senate Committee on Law & Justice
House Committee on Civil Rights & Judiciary

Background: In 2018 the Legislature enacted the Uniform Parentage Act (UPA), effective January 1, 2019, which repealed the former version of the same name.

The UPA provides for how a legal parent-child relationship may be established or challenged, and how a determination of parentage may be used by courts in other proceedings including child support. The UPA addresses a range of subjects including:

- parent-child relationship;
- voluntary acknowledgement of parentage;
- genetic testing;
- adjudication of parentage;
- assisted reproduction;
- surrogacy agreements;
- information about donors; and
- miscellaneous provisions.

Access to Court Records. The court, in an adjudication of parentage, may close the proceeding to the public, while a final order in a proceeding is available for public inspection. Other records are available for public inspection only with the consent of the parties or by court order.

Donor Information. A gamete means a sperm, egg, or any part. A gamete bank or fertility clinic must collect a donor's identifying information and medical history at the time of donation. If the gametes are transferred to another bank or clinic, the donor identifying

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information and medical history must also be forwarded. A bank or clinic receiving the gametes must retain the information about the donor and the bank or clinic forwarding the information.

Donors may decide whether or not to disclose their identifying information, and their decision is documented in a signed declaration. On request by a child conceived by assisted reproduction and who attains eighteen years of age, a gamete bank or fertility clinic must provide the offspring or, if the child is a minor, the parent or guardian of the child, the donor identifying information if the donor's declaration chose disclosure. If the donor chose non-disclosure, the bank or clinic must notify the donor of the request, and the donor may elect to change their choice in a new declaration. Non-disclosure would not prevent the eighteen year old child from obtaining the donor's non-identifying medical history upon request. Banks and clinics must comply with federal law for screening, testing, and reporting.

Food and Drug Administration Regulations. The Food and Drug Administration (FDA) regulates donation of human cells, tissues, and related products. The FDA requires certain records to accompany donations including:

- a distinct identification code that relates donations to the donor and all records pertaining to the donations, and does not include the individual's name, social security number, or medical record number;
- a statement determining eligibility based on the results of screening and testing; and
- a summary of the records used to make the eligibility determination.

The accompanying records required by FDA regulation must not contain the donor's name or other personal information that might identify the donor.

Terminology. The new UPA changed certain terminology compared to the repealed UPA including:

- paternity is replaced with parentage;
- acknowledged father or father is replaced with acknowledged parent or parent; and
- alleged father is replaced with alleged genetic parent.

Variations with similar changes appear throughout the new UPA.

Summary: Except as provided by applicable court rules, records entered after the entry of a final order determining parentage in a proceeding under this chapter are publicly accessible. Entry of protective orders by the court is allowed. Mandatory forms in parentage actions are required. Criteria is established for notice of a proceeding to adjudicate parentage.

Identifying information and medical history of a donor may not accompany the transfer of a donation from one gamete bank or fertility clinic to another bank or clinic. A bank or clinic receiving a donation from another bank or clinic must collect the name, address, telephone number, and email address of the bank or clinic from which it received the gametes.

On request of an eighteen-year-old child conceived by assisted reproduction, a bank or clinic which received the gametes used in the assisted reproduction from another bank or clinic shall disclose the name, address, telephone number, and email address of the bank or clinic from which it received the gametes.

The eighteen-year-old child may then request information from the bank or clinic that originally collected the identifying information and medical history. Consistent with existing law, the bank or clinic that originally collected the information would then be required to disclose or not disclose the identifying information depending on the donor's declaration. Non-disclosure would not prevent the eighteen year old child from obtaining the non-identifying medical history of the donor upon request.

Acknowledged parents may file an action for visitation, parenting plan, child support, and health care.

The crimes included in sexual assault for purposes of preclusion of parentage are clarified.

Terminology changes in the new UPA were limited, yet also contain terminology used in the old version. The bill replaces the terminology consistent with the new terminology in the new UPA. Citation changes are provided in other chapters to ensure that cross references to the new UPA are correct.

Votes on Final Passage:

Senate	33	14
House	65	28

Effective: July 28, 2019