

**RCW 26.33.170 Consent to adoption—When not required.** (1) An agency's, the department's, or a legal guardian's consent to adoption may be dispensed with if the court determines by clear, cogent and convincing evidence that the proposed adoption is in the best interests of the adoptee.

(2) An \*alleged father's, birth parent's, or parent's consent to adoption shall be dispensed with if the court finds that the proposed adoption is in the best interests of the adoptee and:

(a) The \*alleged father, birth parent, or parent has been found guilty of rape under chapter 9A.44 RCW or incest under RCW 9A.64.020, where the adoptee was the victim of the rape or incest; or

(b) The \*alleged father, birth parent, or parent has been found guilty of rape under chapter 9A.44 RCW or incest under RCW 9A.64.020, or has been found by clear and convincing evidence to have committed a sexual assault, where the other parent of the adoptee was the victim of the rape, incest, or sexual assault and the adoptee was conceived as a result of the rape, incest, or sexual assault, unless the parent who is the victim indicates by affidavit or sworn testimony that consent to adoption by the person who committed the rape, incest, or sexual assault should occur.

(3) Nothing in this section shall be construed to eliminate the notice provisions of this chapter. [2017 c 234 s 3; 1999 c 173 s 1; 1988 c 203 s 1; 1984 c 155 s 17.]

**\*Reviser's note:** RCW 26.33.020 was amended by 2019 c 46 s 5034, changing the definition of "alleged father" to "alleged genetic parent."

**Severability—1999 c 173:** See note following RCW 13.34.125.