Parentage

Lianne Malloy[1] and June Tomioka[2]
2022[i]

Overview of the Uniform Parentage Act (UPA) 1
Uniform Parentage Act (UPA) RCW 26.26 2
Overview of Paternity Acknowledgments in Washington 5
Judicial Establishment of Parentage 9
Genetic Testing During Dependency Action 14
Public Access to Court Proceedings and Records in Parentage Adjudications 16
Conclusion 17

Overview of the Uniform Parentage Act (UPA)

This chapter is intended to assist the reader to understand parentage establishment under the Uniform Parentage Act (UPA), which is codified at RCW 26.26A and RCW 26.26B. The Legislature revised the Act during the 2018 session, and those changes became effective January 1, 2019. RCW 26.26A.903.[3] The 2019 amendments are effective July 28, 2019, except for the section requiring use of the mandatory forms, which was not effective until January 1, 2020. The current version of the UPA applies to all parentage adjudications on all issues for which judgment has not been entered, even if the action was commenced before the effective date of the Act.[4] The fundamental purpose of the UPA is to provide substantive legal equality for all parent-child relationships, regardless of the marital status of the parents.[5] Parentage establishment affects many families and is necessary to secure important rights and benefits for children. These rights include child support, medical benefits, and familial bonding. Nationwide, the percentage of births involving unmarried parents increased from 19 percent in 1980 to close to 40 percent in 2016.[6]

"Parent" is Defined More Broadly in Dependency Actions than in the UPA

In Washington, the statutory definition for what constitutes being a parent in dependency proceedings under RCW 13.34 is broader than the definition under the UPA. In the UPA, the parent-child relationship is a legal relationship defined by statute. RCW 26.26A.010 (15); RCW 26.26A.100. Parentage can be based upon: (1) a judicial order establishing parentage; (2) an acknowledgment of parentage filed with the registrar of vital statistics; or (3) a presumption of parentage under RCW 26.26A.115. A presumption of parentage can arise from the parents' marriage or registered domestic partnership, or a parent living with the child and holding the child out as his or her own for the first 4 years of the child's life. RCW 26.26A.115. Parentage

[i] Originally written in 2014 by Lianne Malloy, June Tomioka and Carol Bryant; updated in 2018 by Lianne Malloy, June Tomioka, and Teresa Chen

can also be based on adoption, a valid surrogacy contract, or an individual's consent to assisted reproduction. RCW 26.26A.100; RCW 26.26A.600-785. The court can adjudicate a child to have more than two parents if failure to do so would be detrimental to the child.[7] The biological father is not always the child's legal parent.

In dependency proceedings, "parent" includes the legal parent as defined in the UPA, and also the biological parent, regardless of whether the biological parent is a legal parent, unless the biological parent's rights have been terminated.[8]

Uniform Parentage Act (UPA) RCW 26.26

Washington State's parentage law is based on the model Uniform Parentage Act (2017) but is not identical to it. The National Conference of Commissioners on Uniform State Laws (NCCUSL), first promulgated a Model Parentage Act in 1973.[9] A central purpose of the Act was to ensure that children were treated equally, regardless of the marital status of the parents. The model Act was revised in 2002 to add provisions permitting parents to establish parentage non-judicially through the acknowledgement process. It also included provisions on genetic testing and parentage establishment when children are not conceived by sexual intercourse. The 2017 version of the Model Act expands equal treatment of the parent-child relationship to same-sex couples and permits de facto parents to become legal parents. Because Washington modified its version of model UPA (2002) before enacting UPA (2017), same-sex parents and de facto parents had legal rights before UPA (2017) was enacted in 2018. The 2017 Model Act also permits the mother to block the perpetrator of a sexual assault from becoming the legal parent of the resulting child, updates surrogacy provisions, and addresses the rights of children born through assisted reproductive technology to access medical and identifying information from their biological parents. *See* Model UPA (2017) with Prefatory Notes and Comments at 2-3.

In order to promote uniformity of the law among states that enact the modal UPA, consideration must be given to case law in other states construing its provisions.[10] Besides Washington State, the 2017 version of the model UPA has also been enacted in California and Vermont. It was introduced in the 2019 legislative session in Connecticut, Massachusetts, Pennsylvania and Rhode Island. The 2002 version of the model Uniform Parentage Act has been enacted in Alabama, Delaware, Illinois, Maine, New Mexico, North Dakota, Oklahoma, Texas, Utah and Wyoming.[11]

No state has adopted the UPA verbatim. It is codified at 26.26A, RCW, Washington State's version of the model UPA does not include Article 4 (Registry of Paternity), and Washington retained several non-model UPA parentage statutes, which were re-codified from 26.26. RCW, to 26.26B, RCW.

Definitions of Important Terms

The UPA replaces the gendered terms relating to a man or a woman with gender-neutral terms that describe a parent's relationship to a child using terms of art as follows:

1. "*Acknowledged Parent*" means an individual who establishes a parent-child relationship by signing an attested or witnessed acknowledgment, in compliance with RCW 26.26A.200 through RCW 26.26A.265.[12] Parentage by acknowledgment can only occur when the woman who gave birth to the child and the individual seeking to establish a parent-child relationship voluntarily state they understand the acknowledgment is the equivalent of an adjudication of parentage.[13] An acknowledgment takes effect on the birth of the child or when it is filed with the state registrar of vital statistics, whichever occurs later.[14]
2. "*Adjudicated Parent*" means an individual who has been judicially determined to be the parent of a child by a court with jurisdiction.[15]
3. "*Alleged Genetic Parent*" means an individual who alleges he or she is the genetic parent or possible genetic parent of a child, but whose parentage has not yet been adjudicated.[16]
4. "*Intended Parent*" means an individual who manifests an intent to be legally bound as a parent of a child conceived by assisted reproduction.[17]
5. "*Presumed Parent*" means an individual who is regarded as the legal parent of the child under RCW 26.26A.115 until that status is overcome, or a valid denial is signed as part of an acknowledgment of parentage, or is confirmed in a judicial proceeding.[18]

Parental Status without Judicial Intervention

Under the UPA, there are several ways to establish parentage that do not require judicial intervention. Parentage can be established by: (1) a record signed by the woman who gives birth to a child conceived by assisted reproduction and an individual who intends to be a parent of the child; (2) an agreement signed by one or more intended parents and a woman who is not an intended parent who agrees to become pregnant through assisted reproduction using gametes that are not her own; or (3) a voluntary acknowledgment of parentage.[19] *In all other circumstances, the parentage of a child must be adjudicated or confirmed by the superior court*[20] Even though parentage can be established outside of the courtroom, once established, it can only be disestablished judicially. It should be noted that the voluntary acknowledgment process contains a 60-day rescission period during which a signatory may rescind.[21] After the period of rescission has expired, the acknowledgment can only be challenged in a proceeding filed with the court.[22]

Presumption of Parentage in the Context of Marriage or Registered Domestic Partnership

"Presumed parent" in the context of a marriage or a registered domestic partnership means a person who, *under* RCW 26.26A.115(1), is recognized to be the legal parent of the child based upon that person's status as a spouse or registered domestic partner. RCW 26.26A.115 provides:

(1) An individual is presumed to be the parent of a child if:
  (a) The individual and the woman who gave birth to the child are married to each other or in a state registered domestic partnership with each other and the child is born during the marriage or domestic partnership;
  (b) The individual and the woman who gave birth to the child were married to each other or in a domestic partnership with each other and the child is born within

three hundred days after the marriage or domestic partnership is terminated by death, annulment, dissolution, legal separation, or declaration of invalidity;

(c) Before the birth of the child, the individual and the woman who gave birth to the child married each other or entered into a domestic partnership with each other in apparent compliance with law, even if the attempted marriage or domestic partnership is, or could be, declared invalid and the child is born during the invalid marriage or invalid domestic partnership, or within three hundred days after its termination by death, annulment, dissolution, legal separation, or declaration of invalidity; or

(d) After the birth of the child, the individual and the woman who gave birth to the child have married each other or entered into a domestic partnership with each other in apparent compliance with law, whether or not the marriage or domestic partnership is, or could be declared invalid, and the individual voluntarily asserted parentage of the child, and:

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

(ii) The individual agreed to be and is named as the child's parent on the child's birth certificate.

(2) An individual is presumed to be the parent of a child if, for the first four years of the child's life, the person resided in the same household with the child and openly held out the child as his or her own.

(3) A presumption of parentage established under this section may be rebutted only by adjudication under RCW 26.26A.400 through RCW 26.26.515 or a valid denial of parentage under RCW 26.26A.200 through RCW 26.26A.265.

Under RCW 26.26A.435, a presumption of parentage: cannot be overcome after the child attains four years of age unless the court determines

(a) The presumed parent is not a genetic parent, never resided with the child, and never held out the child as the presumed parent's child; or

(b) The child has more than one presumed parent.

Effective December 6, 2012, the voters of Washington approved marriage of same-sex couples by referendum, which is codified at RCW 26.60.100.[23] Effective June 30, 2014, registered domestic partnerships entered into prior to this date, automatically converted to marriage, unless the parties dissolved the domestic partnership, commenced dissolution proceedings prior to this date, or at least one partner was over 62 years old. A spouse or registered domestic partner can become a presumed parent, if the relationship is entered into after the birth of the child, only if the spouse or registered domestic partner voluntarily asserts parentage in a record.[24] The presumption of parentage remains until that status is rebutted or confirmed in a judicial proceeding."[25]

Presumption of Parentage in the Context of "Holding Out"

Adoption of the model UPA 2000 in Washington represented a major change from prior parentage law, which used to permit "presumptions of paternity" outside of marriage when a man held the child out as his own.[26]

After the adoption of model UPA 2000 (as amended), in 2002, the only parentage presumption was a presumption based upon marriage or an attempt to marry.[27] The 2011 Legislature reinstated the presumption of parentage based upon a person's relationship to the child.[28] With the adoption of Laws of 2011, Ch. 283, a person was presumed to be a parent of a child if the person resided with the child for the first two years of the child's life and openly held out the child as her or his own.[29] Laws of 2018, Ch. 6 lengthened the two- year holding out period to four years.[30] The "holding-out" presumption, like the marital presumption, remains until that status is rebutted or confirmed in a judicial proceeding.[31]

Voluntary Acknowledgments of Paternity

Federal Requirements for Expedited Paternity Establishment

Beginning in 1996, federal laws required all states to have a voluntary paternity acknowledgment program to maintain their eligibility to receive federal matching funds for their child support enforcement programs.[32] States are expressly prohibited from permitting unchallenged acknowledgements to be ratified judicially or administratively.[33] Therefore, all states have procedures to allow parents to voluntarily acknowledge parentage, without any judicial involvement. But because federal laws give states discretion in how they implement these requirements, laws authorizing paternity acknowledgment vary considerably from state to state. The legal effect of a paternity acknowledgment is determined under the laws of the state where the acknowledgement is filed.[34] All states are required to give "full faith and credit" to an acknowledgment that is in compliance with the laws of another state.[35]

Overview of Paternity Acknowledgments in Washington

Washington's implementation of federal paternity acknowledgement requirements is codified in RCW 26.26A.200 through RCW 26.26A.265. The voluntary paternity acknowledgment program simplifies paternity establishment when paternity is uncontested. Voluntary acknowledgments are the most common way to establish paternity when the parents are not married.[36] In 2017, 21,245 paternity affidavits were filed in Washington.[37] This represents 78.4 percent of the 27,096 reported births to unmarried mothers in 2017.

Washington's voluntary acknowledgment program predates the federal requirements.[38] In 2002, the state implemented federal child support program requirements by making paternity acknowledgements equivalent to an adjudication of parentage.[39] This change was made retroactive to 1997.[40] Acknowledgements executed after July 1, 1997 are the equivalent to an adjudication of paternity.

The term "parentage acknowledgement" is used interchangeably with "parentage" or "paternity" affidavit."[41] Although state laws use the term "parentage acknowledgement," the Department of Health requires acknowledgements to be signed in the presence of either a notarial officer or third-party witness. A parentage affidavit is an acknowledgment of parentage under the UPA. Parentage can be established outside of the courtroom when the mother, genetic father, intended parent or presumed parent sign an affidavit.[42] Under prior law, only the "mother of a child and a man claiming to be the genetic father of the child could sign the acknowledgment to establish

the man's paternity.[43] Current law broadens the acknowledgement process to also permit intended parents of a child conceived through assisted reproduction (artificial insemination) and presumed parents to sign acknowledgements.[44]

Parents do not need to have a genetic test to sign the paternity acknowledgment form. However, the acknowledgment will not bind the child, who has a due process right to be heard.[45] The Division of Child Support (DCS) provides no-cost voluntary paternity testing services to mothers and alleged genetic parents to encourage the use of paternity acknowledgements.[46] testing is only available if the child is under two, the child was born in Washington State, the mother is not married at the time of the testing and other DCS criteria are met. The mother and alleged genetic parents must both agree to participate in the program. Parties can apply for free testing whether or not they wish to receive other support enforcement services from DCS.

The "registrar of vital statistics" is required to prescribe the "form" of the acknowledgment. Legislation specifically provides that the form "shall state, that signing . . . is equivalent to an adjudication of parentage and that a challenge to the acknowledgement is permitted only under limited circumstances and is barred four years after the effective date of the acknowledgement."[47] This warning, which is provided prior to the execution of a voluntary and consensual agreement of parenthood, is particularly appropriate when genetic testing does not take place.

The parentage acknowledgment must be filed with the state registrar of vital statistics, of the Department of Health, to be valid.[48] When it is done properly, a parentage acknowledgment "is equivalent to an adjudication of parentage of a child and confers upon the acknowledged father, or other person, all the rights and duties of a parent.[49] Per RCW 26.26A.205, an acknowledgment of parentage must state that the child whose paternity is being acknowledged (1) does not have a presumed parent, or has a presumed parent whose full name is stated; and (2) does not have another acknowledged or adjudicated parent other than the birth mother. Unless parental rights are terminated, the parent-child relationship established by acknowledgment applies for all purposes.[50] An acknowledgment is void if it (1) states another man is a presumed father, unless the presumed father has filed a denial of paternity; or (2) another individual is an acknowledged or adjudicated parent of the child.[51] These limitations prevent an acknowledgment from establishing parentage when there is already a presumed father, an adjudicated father, or a prior acknowledgment naming another parent.

Unmarried parents usually sign the affidavit at a birthing hospital, a birthing clinic, or at home under the care of a midwife, shortly after the birth of their child. A parentage acknowledgment form can also be obtained from county health departments, the Division of Child Support (DCS), and Community Services Offices. Parents should be provided with written and oral information about the legal consequences of signing the parentage acknowledgment form before signing the form. If the mother is married to another man during the pregnancy, a paternity acknowledgment will not be valid unless the husband signs a denial of parentage.[52] If the affidavit and denial are not filed with the Department of Health within 10 days of the child's birth, the mother's husband will be named as the father on the birth certificate.

Release of Information Relating to Acknowledgement

A member of the public cannot obtain a copy of a parentage acknowledgement or denial. The state registrar of vital statistics will only release this information to the persons who signed the document, a court, federal agency, and the child support agency of this or another state.[53]

Effective Date of an Acknowledgment

A parentage acknowledgment takes effect on the birth of the child or the filing of the document with the state registrar of vital statistics, whichever occurs later.[54] an acknowledgment can be signed and filed with the registrar of vital statistics before the child's birth, it does not become effective until *after* the child's birth.[55] When the acknowledgment of parentage is filed before the child's birth, genetic testing will generally not have occurred. This underscores the reasoning for not requiring genetic testing but addressing non-testing in other ways. An acknowledgment filed after the child's birth becomes effective immediately A man who signs a parentage acknowledgement acquires the rights and responsibilities of a parent even when the child is not alive at birth.[56]

Rescission of the Acknowledgment

Federal law requires a "no fault" or "cooling-off" period within which a parent can recant the acknowledgment.[57] A signatory of an acknowledgment filed in Washington may rescind an acknowledgment of parentage by filing a rescission with the state registrar of vital statistics.[58] This represents a significant change. Prior to January 1, 2019, rescission required a court proceeding.[59]

The rescission must be filed before the earlier of (1) sixty days after the effective date of the acknowledgment; or (2) the date of the first hearing in a proceeding to which the signatory is a party before a court to adjudicate an issue relating to the child, including a proceeding that establishes support.[60] The 60-day rescission period will be shortened if a signatory participates in a hearing involving the child before the rescission period ends.[61] This includes show cause hearings in domestic violence proceedings, dependency actions, and other family law actions. If an acknowledgement of parentage is successfully rescinded, any associated denial of parentage is also invalid.[62] The state registrar is required to notify the woman who gave birth to the child and the individual who signed the denial of parentage that the acknowledgement has been rescinded.[63]

Status of Minors

RCW 26.26A.215(4) provides that "[a]n acknowledgment or denial of parentage signed by a minor is valid if it is otherwise in compliance with this chapter." Unlike a judicial proceeding to adjudicate paternity, there are no provisions for a guardian or guardian ad litem to act on behalf of a minor. Prior law permitted minors to rescind an acknowledgement any time before the minor's 19th birthday.[64] The longer rescission period for minors is not part of the model Uniform Parentage Act (2000), or the model Uniform Parentage Act (2017). The same concerns that prompted the legislative to provide minors with a longer time period to rescind an acknowledgment may prompt them to reenact a similar provision in the future. Currently, however, minors are held to the same 60-day time limit as adults.

Challenge to the Validity of the Acknowledgment

Federal law limits the permissible grounds to challenge an acknowledgment after the rescission period has expired.[65] A signed voluntary parentage acknowledgment can only be challenged in court on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the challenger.[66] Further, the legal responsibilities, which include child support obligations, cannot be suspended during the challenge except for good cause.[67] These federal requirements are mirrored in the model UPA (2017) and codified in Washington law.[68] RCW 26.26A.440 provides that "(1) After the period for rescission under RCW 26.26A.235 expires, but not later than four years after the effective date under RCW 26.26A.215 of an acknowledgment...of parentage or denial of parentage, a signatory of the acknowledgment or denial may commence a proceeding to challenge the acknowledgement or denial, ... only: on the basis of fraud, duress, or material mistake of fact."[69] The party challenging an acknowledgment of paternity or denial has the burden of proof."[70] Each basis to challenge a voluntary acknowledgment is a question of fact decided under state law.

While states have all adopted different statutes of limitation for challenging an acknowledgment or denial of parentage, a Washington signatory must file an action to challenge an acknowledgment (or denial) within four years after the effective date of the acknowledgment (or denial).[71] The statute of limitations will end no earlier than the child's fourth birthday since it is not effective until the child is born, even if it is filed earlier.[72] The usual and first line of defense when an acknowledgment or denial is challenged is the limitation period, which must be accurately calculated.[73] The four year statute of limitations for challenging the acknowledgement does not apply to the child, unless (a) the unrescinded acknowledgement is consistent with genetic test results; or (b) the adjudication of parentage is consistent with genetic test results or (in the case of assisted reproduction) the clear intent of the parents; or (c) the child was a party or was represented by a guardian ad litem.[74]

Procedure for Challenging an Acknowledgement of Parentage

Once the 60-day period for rescinding an acknowledgement has ended, the acknowledgement must be challenged in court. The process for doing so is described in RCW 26.26A.245 as follows:

> 1) Every signatory to an acknowledgment of parentage and any related denial of parentage must be made a party to a proceeding to rescind or challenge the acknowledgment or denial.
>
> 2) All persons who sign an acknowledgement of parentage or denial of parentage submit to personal jurisdiction in this state, in a proceeding to challenge the acknowledgement or denial. The court acquires personal jurisdiction once the acknowledgement or denial is filed with the registrar of vital statistics.
>
> 3) The court may not suspend the legal responsibilities of a signatory arising from the acknowledgment during the pendency of the action, including the duty to pay child support absent good cause.

4) A proceeding to challenge an acknowledgment of parentage must be conducted in the same manner as a proceeding to adjudicate parentage under RCW 26.26A.400 through RCW 26.26A.515.

5) At the conclusion of a proceeding to challenge an acknowledgment of parentage, the court shall order the state registrar of vital statistics to amend the birth record of the child, if appropriate.

Changing the child's surname should be based on the best interests of the child.[75]

Child Custody and Visitation (Parenting Plans/Residential Schedules) and Child Support

The parentage acknowledgment program under model UPA 2017 has no provisions for custody, visitation, or child support. Once the period for rescission has ended, these issues can be addressed in a judicial proceeding.[76] RCW 26.26B.020 clarifies that the mother and acknowledged parent have access to the courts to resolve legal issues associated with parenthood. To aid this process, the Administrative Office of the Courts (AOC) has developed user-friendly, mandatory form pleadings that track the requirements of this provision. These forms can be found at http://www.courts.wa.gov/forms/ and became mandatory on January 1, 2020.[77]

DCS provides child support establishment and enforcement services whenever public assistance (including foster care) is expended for a child or when a parent or person with whom the child resides requests services.[78] DCS provides support enforcement services to a parent or other person residing with the child who does not have legal custody, so long as that person has not wrongfully deprived another of custody.[79] Support enforcement services are not available to persons who have wrongfully deprived the legal custodian of custody.[80] If there is no court order establishing a child support obligation, DCS will establish the obligation administratively.[81] Support enforcement services do not include obtaining parenting plans to resolve custody/visitation disputes. A mother or acknowledged parent wishing to obtain a parenting plan is required to commence an action on his or her own in court.

Judicial Establishment of Parentage

Superior courts of this state are authorized to adjudicate parentage actions, and have authority to issue temporary child support, parenting plan, and restraining orders.[82] The pleadings must be on the mandatory forms.[83] Venue is in the county where: (1) the child resides or is located; (2) the respondent resides, if the child does not reside in this state; or (3) the administration of the estate of an individual who is or may be a parent has been commenced.[84] A parentage proceeding can be joined with other family law proceedings including a dependency action, an adoption action, or an action to terminate parental rights.[85] A parentage proceeding can also be joined with a probate action or other appropriate proceeding.[86] When a parentage proceeding is joined with another type of action, the court is required to follow the UPA.[87]

Parentage is established, confirmed, or disestablished judicially when the parental status of the individual is unclear or otherwise disputed. Pattern forms approved by the AOC must be used to

establish parentage.[88] As with child custody issues between unmarried parents, these forms are available on-line from the AOC (http://www.courts.wa.gov/forms/) or can be purchased from the court clerk.

Deputy prosecuting attorneys will establish parentage on behalf of DCS when this is necessary to obtain a child support order. DCS will refer a case to the prosecuting attorney when the child is being supported by public assistance, including foster care benefits, or a parent requests support enforcement services.[89]

Standing to Maintain Parentage Proceedings

The UPA grants standing to maintain a parentage action to: (1) the child; (2) the woman who gave birth to the child, unless a court has adjudicated that she is not a parent; (3) an individual who has established a parent-child relationship with the child; (4) a person whose parentage of the child is to be adjudicated; (5) the Division of Child Support; (6) an authorized adoption agency; or (7) a representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding.[90]

Notice of Proceedings

A new section of the UPA replaces the provision about necessary parties to the action. There is no longer a requirement to *join* individuals with a claim to parentage as a party to the action. Rather, the petitioner is now required to give *notice* of a parentage action to all individuals with a claim to parentage by serving them with a summons and complaint to ensure that steps have been taken to allow them the opportunity to participate in the proceedings.[91] The following individuals must be must be given notice of the parentage proceedings: (1) the woman who gave birth to the child, unless the court has adjudicated that she is not a parent; (2) an individual who is a parent under this chapter; (3) a presumed, acknowledged, or adjudicated parent of the child; (4) an individual whose parentage is to be adjudicated.[92]

Four-Year Time Limitation When There is a Presumed Parent, Acknowledged Parent, or Adjudicated Parent

A presumption of parentage based on marriage, registered domestic partnership, or the holding out provision[93], must be overcome within four years of the child's birth by a presumed parent, the woman who gave birth to the child, or another individual in addition to the woman who gave birth to the child.[94] Professor Melanie Jacobs has explained that the time limit in the model UPA (2000) is intended to ensure "… that the best interests of the child are met, by preserving an intact parent-child relationship,…."[95] Washington State courts and the Legislature have similarly recognized the importance of stability and predictability in parent-child relationships, even when the parent figure is not the natural parent.[96] The four-year time limitation has been retained in the UPA.

If the presumed parent is not a genetic parent, never resided with the child, and never held out the child as his or her child, there is no time limitation for an action to overcome the presumption. In these situations (e.g., presumed parent incarcerated for 20 years), there is

usually no biological or social tie to preserve.[97] Also, the time limitation does not apply when the child has more than one presumed parent.[98]

If no party challenges the presumed parent's parentage or the presumed parent is a genetic parent, there is no time limit for confirming the presumed parent's legal-parent status if the woman who gave birth to the child is the only other individual with a claim to parentage.[99]

If a child has an acknowledged or adjudicated parent, an individual who was neither a signatory to the acknowledgment nor a party to the adjudication, must commence an action to adjudicate parentage within four years of the effective date of the acknowledgment or adjudication. This proceeding is commenced only with the court's permission, after it conducts a best interest of the child determination.[100]

In a proceeding to adjudicate parentage involving a presumed, acknowledged, or adjudicated parent, the child is not a necessary party,[101] and is therefore, not time barred from initiating such a proceeding. The child is bound by a determination of parentage, however, if: (1) the child was joined as a party or represented by a guardian ad litem;[102] (2) the order is based on a finding consistent with genetic test results or reflects the true intent of the parents in the case of assisted reproduction;[103] or (3) the statutory requirements for intended parents of a child conceived by assisted reproduction are satisfied.[104]

No Time Limitation When There Is an Alleged Genetic Parent Who Is Not a Presumed Parent

A proceeding to adjudicate an alleged genetic parent, who is not a presumed parent, *may occur at any time* during the life of the child.[105] If the child initiates the proceeding, a parentage action can be commenced even after the child is an adult.[106] A parentage action can also be commenced after an earlier action is dismissed for want of prosecution since all such dismissals are without prejudice, and any recitals to the contrary are void.[107] When the Legislature restricted parentage actions to the life of the child, it codified *Gonzales v. Cowen*, 76 Wn. App. 277, 884 P.2d 19 (1994). In *Gonzales*, the court ruled that a paternity action can only be brought so long as a child can be made a party, which is only possible before the child dies.[108] As a result, the alleged father in *Gonzales* was unable to reap any monetary benefit through his deceased child when he never took any responsibility for supporting or raising his child during the child's lifetime.[109]

Adjudicating de facto parentage claims

Most states recognize at least some parental rights of persons who, although unconnected to the children either by marriage or biology, have developed a strong parent-child relationship with the consent and encouragement of a legal parent.[110] Some states apply equitable principles like in loco parentis or psychological parent doctrines; others extend parental rights through broad third-party custody and visitation statutes.

In 2005, the Washington Supreme Court first recognized a common law claim of de facto parentage is "in legal parity with an otherwise legal parent, whether biological, adoptive, or otherwise."[111] Under the common law, the claim was limited to parties who had fully and

completely undertaken a permanent, unequivocal, committed, and responsible parental role in the child's life. In determining standing for the claim, the court considered (1) whether the natural or legal parent had fostered a parent-like relationship between the child and claimant; (2) whether the claimant and child had lived in the same household; (3) whether the claimant assumed parenting obligations without expectation of remuneration; and (4) whether the claimant's parental role had been for a sufficient period of time to create a parental bond with the child.

In 2018, the Legislature enacted a procedure for adjudicating de facto parentage claims.[112] The law ensures that individuals who form strong parent-child bonds with the children, with the consent and encouragement of the child's legal parent, are not excluded from a determination of parentage simply because they entered the child's life sometime after the child's birth. Because the statute is based on factors developed under common law doctrine, those cases continue to provide guidance.[113]

Only the person who claims to be the de facto parent of the child may commence the judicial proceeding.[114] This requirement was added to address concerns that stepparents might be held responsible for child support.[115] The action must be commenced before the child turns eighteen by serving a sworn pleading on all parents and legal guardians of the child with the facts that support the claim.[116] Adverse parties may file and serve sworn responses.[117; 118] If the court finds a hearing is necessary to determine disputed facts material to the issue of standing, an expedited hearing will be held.[119] Otherwise, the court will determine the claim on the pleadings.

The statute is intended to prevent unwarranted and unjustified litigation by requiring claims to be commenced during the child's minority and by increasing the standing requirements.[120] Standing requires a finding by a preponderance of the evidence that the claim has established that (a) the Petitioner resided with the child as a household member for a significant period[121]; (b) the person consistently cared for the child; (c) the person undertook full and permanent responsibilities of a parent without expectation of compensation; (d) the person held out the child as their own; (e) the person established a bonded and dependent parental relationship with the child; (f) another parent of the child fostered or supported that parental relationship; and (g) continuing the relationship between the person and child is in the best interest of the child.[122]

Victim of Sexual Assault Can Block Perpetrator from Establishing Parentage

A parent who alleges that a child was born as a result of sexual assault, including child rape of any degree, can prevent the perpetrator from establishing or maintaining a parental relationship with the child.[123] In most circumstances, the parent is required to file a pleading making the allegation before the child turns four.[124] The court must conduct a fact-finding hearing on the sexual assault allegation before entering a temporary parenting plan that permits the alleged perpetrator to have any residential time or decision-making responsibility.[125] This limitation does not apply if the alleged perpetrator has already bonded with the child and the court finds that it is in the child's best interest that a temporary order be entered.[126] A perpetrator who is prevented from being the legal parent can still be required to pay child support.[127] The parent/guardian has the right to decide whether the perpetrator will have a child support obligation, and the State is bound by that decision, even if the child is receiving public assistance or receives it in the future.[note]RCW 26.26A.465(8).[/note]

Authority to Order or Deny Genetic Testing

Genetic testing of the child, and any other individual, may be obtained by court order in a parentage action or through the Division of Child Support (DCS) – although neither will order in utero genetic testing.[128] DCS is only authorized to obtain a genetic test when there is no presumed, acknowledged, or adjudicated parent other than the woman who gave birth to the child.[129] In general, the court shall grant a motion for genetic testing if it includes a sworn statement alleging or denying that there is a reasonable possibility that the individual is the child's genetic parent.

The court may deny a motion for genetic testing where the parentage claim is not based on biology, but on presumptions, acknowledgements, or de facto parentage.[130] When this happens, the court must first consider the best interests of the child based on eight factors: (a) the child's age, (b) how long the individual has assumed the role of the child's parent, (c) the nature of the relationship between the individual and child, (d) the harm to the child if the relationship between the child and each individual is not recognized, (e) the basis of the claim to parentage, (f) other equitable factors arising from the disruption of the relationship or likelihood of other harm to the child, (g) facts surrounding the discovery that the alleged parent may not be a genetic parent of the child, and (h) the length of time between that discovery and commencement of the parentage proceeding.[131] A mandatory form—Declaration about a Child's Best Interest—must be filled out in all cases with a presumed parent, and this information assists the court to decide whether genetic testing should be allowed.

The court may deny genetic testing to protect the child's relationship with his or her presumed, acknowledged, or de facto parent during an adjudication, when this is in the best interest of the child whether or not there is a biological tie between the two.[132] Washington courts have long recognized that stable family relationships outweigh the need for accurate determinations of parentage, when this is in the child's best interest.[133]

A decision to deny genetic testing is a two-step proceeding. First, the court determines whether there are statutory or other equitable grounds to deny genetic testing.[134] Second, assuming these grounds are present, the court establishes the presumed, acknowledged, de factor, or adjudicated parent as the child's legal, adjudicated parent.[135] In appropriate circumstances, the court may deny genetic testing and find the presumed, acknowledged, de facto, or adjudicated parent to be the parent of the child.[136] The comment to section 608 of the model UPA 2000, a predecessor to section 503 of the model UPA 2017 on which RCW 26.26A.310 is patterned, provides additional insight. The comment explains that the most common situation in which a genetic test to disprove parentage should be denied is when a man knows that a child is not, or may not be, his genetic child, but the man has affirmatively accepted his role as the child's father and both the mother and the child have relied on that acceptance. Conversely, the father may have relied on the mother's acceptance of him as the child's father and may be stopped from denying parentage.[137]

Because a child has the right to assert an equitable ground for denying genetic testing as an affirmative defense, the child must be represented by a guardian ad litem in any proceeding involving a motion for genetic testing of the child, the child's mother or father and the presumed, adjudicated or acknowledged parent of the child.[138]

Self-Obtained Genetic Testing: Admissibility

Many individuals obtain "over the counter" paternity genetic testing without informing the other parent or obtaining court approval. The UPA addresses this occurrence. Regardless of whether the test is obtained by court order, by a child support agency, or through voluntary testing, the genetic test report is admissible if it meets the standards in the "Genetic Testing" subchapter, RCW 26.26A.300 through 26.26A.355.[139]

Within fourteen days of receiving the genetic report, a party may object to the admission of the report.[140] Within thirty days of receiving the genetic test report, an individual or a child support agency may object to the laboratory's choice of ethnic or racial group databases. A timely objection on this basis will result in recalculations.[141]

For the chain of custody to be reliable, the documentation must provide the name and photograph of the individual whose specimen was taken, the name of the person who collected the specimen, the date and location where the specimen was taken, the name of the person who received the specimen at the testing laboratory, and the date the specimen was received.[142] The report must be signed under penalty of perjury by the testing laboratory's designee and filed into the record. If the standards in the subchapter are met, the report is self-authenticating.[143]

Previously, genetic testing could be disallowed in the best interests of the child.[144] In the current law, genetic testing is not prohibited,[145] but its utility is circumscribed. Genetic testing may not be used to challenge the parentage of a child conceived by assisted reproduction or to establish parentage of a donor.[146] Testing may result in a determination that an individual is a genetic parent.[147] But genetic parentage is not an adjudication of parentage.[148]

Genetic Testing During Dependency Action

Genetic testing may occur after a dependency action is filed. When genetic testing excludes a presumed or adjudicated parent, or acknowledged father from being the biological parent, the non-biological parent will be dismissed from the dependency action. The presumed or adjudicated parent, or acknowledged father will remain the child's legal parent unless parentage is disestablished judicially.

Conversely, the biological parent cannot be named on the birth certificate until his or her parentage is established legally. The prosecuting attorney may establish parentage based upon a proper referral for paternity establishment from DCS. Generally, DCS may make a referral where there is a public assistance assignment or when DCS receives a written request for parentage establishment services from a party or child's custodian. A deputy prosecuting attorney assigned to represent DCS will then pursue parentage establishment in superior court and seek a judicial order authorizing release of any genetic testing results to the dependency court.

The state's attorney assigned to the dependency case and the local prosecuting attorney assigned to represent DCS are encouraged to confer about a parentage issue arising in the dependency court. When parentage is in question, the dependency attorney can obtain a juvenile court order

requiring that the parties cooperate with parentage establishment while reserving issues related to the child's residential placement to the dependency court as required under the dependency statutes. A deputy prosecuting attorney assigned to represent DCS will pursue parentage establishment.

Generally, DCS will not disestablish parentage when there is a legally presumed parent. DCS makes an exception when disestablishment is necessary to obtain child support. This occurs most often when the statute of limitations is not a bar, the presumed parent cannot be located, and the biological parent is available to pay child support.

As discussed above, parentage is defined more broadly in dependency actions since the biological parent is always considered a parent in dependency actions, regardless of whether the biological parent can ever be a legal parent under the UPA.[149] Because the UPA has a four-year statute of limitations for challenging the status of an acknowledged father[150], adjudicated parent[151] or a presumed parent[152], a non-biological parent may have continuing obligations as the child's legal parent, including the obligation to pay child support. These obligations do not end after the non-biological parent is dismissed from the dependency action. This conflict in how "parent" is defined in parentage and dependency actions can further stress family dynamics. A parent claiming conception via sexual assault must make this claim not later than four years after the birth of the child. The SOL may be waived if there was a separate proceeding which determined a sexual assault and alleged a child born as a result.[153]

Equal Treatment of Same Sex Couples

The model UPA (2017) strives to provide equal treatment of children born to same-sex couples. It accomplishes this task by replacing many of the gendered terms used in model UPA (2002) with gender-neutral ones and not presuming that couples always consist of one man and one woman.[154] These revisions implement recent United States Court decisions. In *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) the Court ruled that it is unconstitutional to bar same-sex couples from getting married. And in *Pavan v. Smith*, 137 S.Ct. 2075, 2078-79 (2017) the Court ruled that married same-sex couples are entitled to the same recognition on their children's birth certificates as married couples. Thus, model UPA (2017) contains revisions to provisions on the marital presumption of parentage, acknowledgements, genetic testing, and assisted reproduction.

In 2011, Washington State expanded its version of the UPA (2002) to apply to registered domestic partnerships and same sex relationships.[155] Therefore, this state's enactment of UPA (2017) has less effect on same- sex couples than it would if these modifications had not occurred. Before UPA (2017) was enacted, only males who alleged a genetic relationship with the child were permitted to acknowledge parentage.[156] Under current law, an intended parent of a child conceived through assisted reproduction (insemination of woman), or a presumed parent can also acknowledge parentage.[157] Usually, an individual becomes a presumed parent of a child by being married to the woman who gives birth to the child, or being in a state-registered domestic partnership with her.[158] Because only females can give birth to a child, presumptions of parentage arising from marriage or a state-registered domestic partnership will only occur in same-sex female relationships. A presumption of parentage can arise in both opposite and same

sex relationships when an individual enters into a surrogacy agreement under RCW 26.26A.700-785 or holds the child out as his or her own for the first four years of the child's life.[159]

A same-sex partner may also obtain parental rights by successfully adjudicating his or her claim to de facto parentage.[160] A de facto parent stands on legal parity with the biological or adoptive parent.[161] A de facto parent is entitled to parental privileges not as a matter of right but based on the best interests of the *child*.[162] The existence of established biological parents does not bar an individual from seeking to be established as the child's de facto parent.[163] While generally a foster parent would not have standing to be established as a child's de facto parent, the fact that an individual is a child's foster parent is not an automatic bar to being found to be a de facto parent if he or she meets the four-prong test[164], the status of an individual as a child's step-parent will also not bar that individual from being established as the child's de facto parent.[165] As noted in A.F.J. "the de facto parentage doctrine is an equitable doctrine that affords trial court flexibility to examine each unique case on a fact-specific basis."[166]

Assisted Reproduction

"Assisted reproduction" means a method of causing pregnancy other than sexual intercourse and includes artificial insemination, egg donation, and embryo donation.[167] Generally, if the parties to assisted reproduction have an agreement that is in a signed record, that agreement determines the parent-child relationship. A donor is not the parent of a child unless the donor and the person intending to be the parent agree to this arrangement in a signed writing.[168] A person, who provides gametes for assisted reproduction or consents to assisted reproduction in a signed record with the intent to be parent of the child, is the parent of the resulting child.[169] A couple who intend to be parents of a child conceived through assisted reproduction must consent in a signed record.[170] However, the couple can be estopped from denying parentage, even if they did not give their written consent, if they reside with the child and openly hold the child out as their own.[171] A spouse or domestic partner of a man or woman who gave birth through assisted reproduction must challenge parentage within four years of learning of the birth of the child.[172] A woman who gives birth to a child conceived through assisted reproduction under the supervision of a licensed physician is considered the parent of the child unless an agreement between the birth mother and the ovum donor states otherwise.[173]

Public Access to Court Proceedings and Records in Parentage Adjudications

The court can close a proceeding to adjudicate parentage if a party requests closure and there is good cause. The final order determining parentage is publicly accessible. Records entered prior to the entry of the final order determining parentage are only available to the parties, others with the parties' consent, or by court order. Generally, records entered after the entry of the final order determining parentage are publicly accessible.[174]

Parentage adjudications are subject to other laws that govern the health, safety, privacy, and liberty of a child or other individual who could be affected by the disclosure of information that can identify a child or other individual.[175]

Conclusion

The above overview of the UPA is necessarily limited in scope. The model UPA (2017) comments and out-of-state cases construing the UPA provide useful guidance. These aids to construing the UPA provide persuasive authority because courts are required to consider "…the need to promote uniformity of the law [UPA] with respect to its subject matter among states that enact it."[176]

ENDNOTES

[1] Lianne Malloy was a senior counsel at the Office of the Attorney General. She represented the Division of Child Support since 1990 and had been their lead counsel since 1998 until she retired in early 2022.

[2] June Tomioka is senior counsel for the Washington State Association of Prosecuting Attorneys' Support Enforcement Project. She has been a child support deputy prosecuting attorney since 1992, first in King County and later in Walla Walla County.

[3] The 2018 legislation repealed 26.26 RCW, created a new Chapter 26.26A, and moved the non-repealed sections of 26.26. RCW to a new Chapter, 26.26.B. In 2019, "fix it" legislation was enacted to correct problems arising from the 2018 version of the UPA. Laws of 2019, ch.46.

[4] RCW 26.26A.902

[5] Sonja Larsen & Lucas Martin, 14 C.J.S. *Children Out-of-Wedlock* § 71 (2014).

[6] J.A. Martin, B.E. et al: Final data for 2016: Supplemental tables [Table I-7]. National Vital Statistics Reports, 67(1). Retrieved from https:///www.cdc.gov/nchs/data/nvsr/nvsr67_01_tables.pdf. Although out-of-wedlock births in Washington are lower than the national average (31.6 percent of births in 2016), over 27,000 children are born to unmarried parents annually in Washington State. Washington State Dep't of Health, *Natality Table A1, Demographic Summary Indicators for Residents* (2016), *available at* http://www.doh.wa.gov/DataandStatisticalReports/HealthStatistics//Birth/BirthTablesbyTopic),Washington State Dep't of Health, *Natality Table A11. Single Mothers, Mother's Age Group by County of Residence* (2016), *available at* http://www.doh.wa.gov/DataandStatisicalReports/HealthStatistics/Birth/BirthTablesbyYear

[7] RCW 26.26A.060(3)

[8] RCW 13.04.011(5), RCW 13.34.030(17). The inclusion of the biological father, even when he is not a legal parent, is intended to satisfy constitutional requirements by protecting that parent's fundamental liberty interest in the care, custody, and management of his children. *See Santosky v. Kramer*, 455 U.S. 745, 102 S.Ct. 1388, 71 L.Ed.599 (1982). See *also* 45 U.S.C. § 675(2) ("parents" means biological or adoptive parents or legal guardians).

[9] Model UPA (2017) with Prefatory Notes and Comments at 1

[10] RCW 26.26A.900

[11] Unif. Law Commissioners, *Legislative Fact Sheet - Parentage Act* (as amended in 2002)

[12] RCW 26.26A.010(1). *See generally* RCW 26.26A.200-.265

[13] RCW 26.26A.205(1)

[14] RCW 26.26A.215. (3)

[15] RCW 26.26A.010(2)

[16] RCW 26.26A.010(3)

[17] RCW 26.26A.010(13). "Assisted Reproduction" means a method of causing pregnancy other than sexual intercourse. RCW 26.26A.010(4).

[18] RCW 26.26A.010(17)

[19] RCW 26.26A.100

[20] *See Taylor v. Morris*, 88 Wn.2d 586, 564 P.2d 795 (1977).

[21] RCW 26.26A235

[22] RCW 26.26A.240

[23] In *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) and *Pavan v. Smith*, 135 S.Ct. 2075 (2017), the United States Supreme Court held that laws are unconstitutional if they deny same-sex couples the benefits linked to marriage.

[24] RCW 26.26A.115(a)(iii)

[25] RCW 26.26A.015(2)

[26] See former RCW 26.26.040

[27] See former RCW 26.26.116 (2002–2010)

[28] See former RCW 26.26.116(2)

[29] See former RCW 26.26.116(2)

[30] RCW 26.26A.115(1)(b)

[31] RCW 26.26A.115(2)

[32] *See* 42 U.S.C. § 666(a)(5)(C); 45 C.F.R. § 302.70(a)(2)

[33] 42 U.S.C. § 666(a)(5)(E). *See also* RCW 26.26A.230.

[34] 42 U.S.C. § 666 (a)(5)(C)(iv). *See also* model UPA (2017) § 311; RCW 26.26A.250.

[35] See RCW 26.26A.250

[36] *Voluntary Acknowledgments of Parentage for Same Sex Couples*, 20 AM. U. J. Gender Soc. Ply'y & L. 469-70 (2012).

[37] ESA Management Accountability and Performance Statistics (EMAPS) at http://147.56.140.52/dcs/maps/PatAffidavit/PatAffProgram.html

[38] Former RCW 26.26.040(1)(e)(1997), which was in effect until it was repealed in 2002, created a rebuttable presumption of paternity.

[39] See former RCW 26.26.300-345 (2002)

[40] See former RCW 26.26.370(1)(2002)

[41] An acknowledgement is a witnessed document and an affidavit is a notarized document. An acknowledgement of parentage becomes an affidavit once it is notarized.

[42] RCW 26.26A.200; RCW26.26A.205; RCW 26.26A.220

[43] See former RCW 26.26.300

[44] RCW 26.26A.200. *See also* model UPA 2017 § 301 comment.

[45] See In re Q.A.L., 146 Wn. App. 631, 191 P.3d 934(2008) (child permitted to challenge a paternity acknowledgment without a time limit when genetic testing showed that the acknowledged father was not the child's biological father). See also RCW 26.26A.445(4-year time limit for challenging acknowledgement does not apply to child); RCW 26.26A.515(child not bound by acknowledgment that is inconsistent with genetic testing unless the child was represented by a guardian ad litem).

[46] DCS Handbook, ch. 3: Paternity, sec. 3.007.

[47] RCW 26.26A.205; See also model UPA 2000 § 312(a)

[48] RCW 26.26A.220(1)

[49] RCW 26.26A.220(1).*;* See also model UPA 2017 § 305(a)

[50] RCW 26.26A.110

[51] RCW 26.26A.205(2)

[52] RCW 26.26A.205(2)

[53] RCW 26.26A.260

[54] RCW 26.26A.215(3)

[55] RCW 26.26.215(3).; *see also* model UPA 2017 § 304.

[56] RCW 26.26A.215

[57] 42 U.S.C. § 666(a)(5)(D)(ii)

[58] RCW 26.26A.235

[59] See former RCW 26.26.330(2017)

[60] RCW 26.26A.235. *See also* model UPA 2017 §§ 308.

[61] RCW 26.26A.235(1)

[62] RCW 26.26A.235

[63] RCW 26.26A.235

[64] See former RCW 26.26.330 (2017)

[65] 42 U.S.C. § 666(a)(5)(D)(iii)

[66] 42 U.S.C. § 666(a)(5)(D)(iii)

[67] 42 U.S.C. § 666(a)(5)(D)(iii)

[68] See RCW 26.26A.240; RCW 26.26A.245(3); model UPA 2017 § 309.

[69] RCW 26.26A.440

[70] RCW 26.26A.245(4)

[71] RCW 26.26A.445(2)(a). *See generally* Paula Roberts, *Voluntary Paternity Acknowledgment: An Update of State Law* Table 3 (2006) (outlining the various statutes of limitation), *available at* http://www.clasp.org/publications/voluntary_paternity_update.pdf.

[72] RCW 26.26A.215(3)

[73] RCW 26.26A.445(2)(a). *Cf.* model UPA (2017) § 610

[74] RCW 26.26A.515(2)(b)

[75] *Daves v. Nastos*, 105 Wn.2d 24, 711 P.2d 314(1985)

[76] *See* RCW 26.26B.020; Laws of 2019, ch.46 § 3001.

[77] RCW 26.18.220, RCW 26.26B.010; Laws of 2019,ch.46,§1003.

[78] RCW 74.20.040

[79] RCW 74.20.065

[80] RCW 74.20.065; WAC 388-14A-3370

[81] RCW 74.20A.055

[82] RCW 26.26A.030; RCW 26.26A.470

[83] RCW 26.18.220, RCW 26.26B.010; Laws of 2019, ch.46, § 1003.

[84] *See* RCW 26.26A.420

[85] RCW 26.26A.475

[86] RCW 26.26A.475

[87] *McKinnon v. White*, 40 Wn. App. 184, 193, 698 P.2d 94 (1985).

[88] RCW 26.26B.010; RCW 26.18.220

[89] RCW 74.20.040

[90] RCW 26.26A.405

[91] RCW 26.26A.115; RCW 26.26A.410

[92] RCW 26.26A.410; *see also* model UPA (2017) § 603.

[93] *See* RCW 26.26A.115

[94] RCW 26.26A.435(2)

[95] Melanie B. Jacobs, *When Daddy Doesn't Want to Be Daddy Anymore: an Argument Against Paternity Fraud Claims,* bepress Legal Series, working paper 151 (2004), *available at* http://law.bepress.com/expresso/eps/151/.

[96] *See McDaniels v. Carlson,* 108 Wn.2d at 310, 738 P.2d 254 (1987).

[97] RCW 26.26A.435(2)

[98] RCW 26.26A.435(2)

[99] RCW 26.26A.435(3)(a) and (b).

[100] RCW 26.26A.445(2) and .450(2)

[101] RCW 26.26A.485(1)

[102] RCW 26.26A.515(2)(d)

[103] RCW 26.26A.515(2)(a),(b)

[104] RCW 26.26A.515(2)(c)

[105] RCW 26.26A.430(1)

[106] RCW 26.26A.430(1)

[107] RCW 26.26A.505

[108] *Gonzales v. Cowen*, 76 Wn. App. 277, 884 P.2d 19 (1994).

[109] RCW 26.26A.430, and .435 implement a federal child support program requirement that states have laws to "permit the establishment of the paternity of a child *at any time* before the child attains 18 years of age." 42 U.S.C. § 666(a)(5)(A)(i); model UPA (2017) § 607, Comment..

[110] Model UPA 2017, Prefatory Note and § 609, Comment.

[111] *In re Parentage of L.B.*, 155 Wn.2d 679, 708, 122 P.3d 161, 177 (2005).

[112] RCW 26.26A.440(4)

[113] Model UPA 2017, § 609, Comment (citing *In re Parentage of L.B.*, 155 Wn.2d 679, 708, 122 P.3d 161, 177 (2005))

[114] RCW 26.26A.440(1)

[115] Model UPA 2017, § 609, Comment

[116] RCW 26.26A.440(2),(3)(a); RCW 12.08.070 (a pleading is verified by oath)

[117] RCW 26.26A.440(2), (3)(a); RCW 12.08.070 (a pleading is verified by oath)

[118] RCW 26.26A.440(3)(b)

[119] RCW 26.26A.440(3)(c)

[120] Model UPA 2017, § 609, Comment.

[121] Because there is no specific time length requirement, the court will determine significance based on the circumstances of the particular case with the length of time varying depending upon the child's age.

[122] RCW 26.26A.440(4)

[123] RCW 26.26A.465

[124] RCW 26.26A.465 (4)

[125] RCW 26.26A.465(5)

[126] RCW 26.26A.465 (5)

[127] RCW 26.26A.465(7)

[128] RCW 26.26A.310(1)-(3); WAC 388-14A-8300

[129] RCW 26.26A.310(2)

[130] RCW 26.26A.310(6)

[131] RCW 26.26A.460(1), (2)

[132] RCW26.26A.310(6)

[133] *McDaniels v. Carlson*, 108 Wn.2d 299, 738 P.2d 254 (1987); *In re Marriage of Thier*, 67 Wn. App. 940, 841 P.2d 794 (1992); *In re Marriage of T.*, 68 Wn. App. 329, 842 P.2d 1010 (1993).

[134] RCW 26.26A.310(6);RCW 26.26A.460

[135] *See also* model UPA 2000 §§ 607(a), 608

[136] RCW 26.26A.310(6).

[137] Model UPA 2000§ 208, Comment.

[138] RCW 26.26A.485, .515

[139] RCW 26.26A.305; RCW 26.26A.425(4).

[140] RCW 26.26A.425(4).

[141] RCW 26.26A.315(3).

[142] RCW 26.26A.320(2).

[143] RCW 26.26A.320(1).

[144] See former RCW 26.26.535

[145] See RCW 26.26A.355 (regarding confidentiality of the report and unauthorized release of specimens); RCW 26.26A.305(2)

[146] RCW 26.26A.305(2)

[147] RCW 26.26A.325

[148] RCW 26.26A.400-.515

[149] RCW 13.04.011(5);RCW 26.26A.010

[150] RCW 26.26A.205(1)(c); RCW 26.26A.240; RCW 26.26A.445(2)(a)

[151] RCW 26.26A.450(2)(a)

[152] RCW 26.26A.435 and RCW 26.26A.620(1)(a)

[153] RCW 26.26A.465(4)

[154] Uniform Parentage Act (2017) prefatory note at 1

[155] Laws of 2011, ch. 283, codified at ch. 26.60.

[156] Former RCW 26.26.300 (2017)

[157] RCW 26.26A.200

[158] RCW 26.226A.115

[159] RCW 26.26A.115

[160] RCW 26.26A.440

[161] *In re L.B.*, 155 Wn.2d 679, 708, 122 P.3d 161 (2005)

[162] *In re L.B.*, 155 Wn.2d 679, 708-709

[163] *In the Matter of the De Factor Parentage and Custody of M.J.M.,* 173 W.. App. 227, 294 P.3d 746 (2013)

[164] *In re Custody of A.F.J.,*179 Wn.2d 179, 314 P.3d 373 (2013)

[165] *In re Custody of B.M.H.,* 179 Wn.2d 224, 315 P.3d 470 (2013)

[166] *A.F. J.,* 179 Wn.2d at 188

[167] RCW 26.26A.010(4)

[168] RCW 26.26A.010(4)(b); RCW 26.26A.605. .610, .615

[169] RCW 26.26A.610..615

[170] RCW 26.26A.615(1)

[171] RCW 26.26A.615(2)

[172] RCW 26.26A.620

[173] RCW 26.26A.010(9)

[174] RCW 26.26A.500

[175] RCW 26.26A.050

[176] RCW 26.26A.900