

RCW 26.26A.775 Nonvalidated genetic surrogacy agreement—Effect.

(1) A genetic surrogacy agreement, whether or not in a record, that is not validated under RCW 26.26A.760 is enforceable only to the extent provided in this section and RCW 26.26A.785.

(2) If all parties agree, a court may validate a genetic surrogacy agreement after assisted reproduction has occurred but before the birth of a child conceived by assisted reproduction under the agreement.

(3) If a child conceived by assisted reproduction under a genetic surrogacy agreement that is not validated under RCW 26.26A.760 is born and the woman acting as a genetic surrogate, consistent with RCW 26.26A.765(1)(b), withdraws her consent to the agreement before forty-eight hours after the birth of the child, the court shall adjudicate the parentage of the child under RCW 26.26A.005 through 26.26A.515.

(4) If a child conceived by assisted reproduction under a genetic surrogacy agreement that is not validated under RCW 26.26A.760 is born and a woman acting as a genetic surrogate does not withdraw her consent to the agreement, consistent with RCW 26.26A.765(1)(b), before forty-eight hours after the birth of the child, the woman acting as a genetic surrogate is not automatically a parent and the court shall adjudicate parentage of the child based on the best interest of the child, taking into account the factors in RCW 26.26A.460(1) and the intent of the parties at the time of the execution of the agreement.

(5) The parties to a genetic surrogacy agreement have standing to maintain a proceeding to adjudicate parentage under this section.
[2018 c 6 § 716.]