

(Effective until January 1, 2021)

WAC 246-490-305 Establishing parentage with a voluntary acknowledgment of parentage or denial of parentage.

(1) The individual who gave birth and an alleged genetic parent, an intended parent through assisted reproduction, or a presumed parent may use an acknowledgment of parentage that complies with RCW 26.26A.200 through 26.26A.265 to establish parentage. When the completed acknowledgment of parentage form is filed with the department and a denial of parentage is not required, the parent's name will be added to the child's birth record.

(2) If a presumed parent or an alleged genetic parent will not be the parent listed on the child's birth record, the presumed parent or an alleged genetic parent may sign a denial of parentage that complies with RCW 26.26A.200 through 26.26A.265. If the presumed parent or an alleged genetic parent does not sign a denial of parentage, the department shall require a court ordered establishment of parentage to change the birth record. Submission of the court order to the department must comply with the requirements of WAC 246-490-310.

(a) The acknowledgment of parentage and denial of parentage forms are considered completed when both forms are filed with the department.

(b) After both forms are filed, the department will change the child's birth record in accordance with the forms. The individual seeking to establish parentage will be listed as a parent.

(3) An individual who signed an acknowledgment of parentage or denial of parentage form may file a rescission of parentage form on or before sixty days from the time the acknowledgment or denial of parentage forms were filed with the department or the date of the first court proceeding relating to parentage of the child, whichever occurs first. Once a complete rescission that meets the time requirements has been filed with the department, the department will:

(a) Notify the individuals who signed an acknowledgment of parentage or denial of parentage form in writing to the individuals' address listed on the acknowledgment of parentage or denial of parentage form that a rescission was filed with the department. Failure to give the notice does not affect the validity of the rescission; and

(b) Change the child's record to the prior record information before the acknowledgment or denial of parentage form was filed.

(4) After a rescission is filed as described in subsection (3) of this section, a new acknowledgment of parentage form may be filed with the department.

(5) After sixty days, a challenge of parentage requires a court proceeding, consistent with chapter 26.26A RCW.

(6) For the purpose of this section, "witnessed" has the same meaning as RCW 26.26A.010. A person signing the witnessed statement must be at least eighteen years of age and not related by blood or marriage to the individuals who sign an acknowledgment of parentage, denial of parentage, or rescission of parentage form.

(7) An acknowledgment of parentage, denial of parentage, or rescission of parentage form must be completed, signed, witnessed or notarized, and submitted to the department with the applicable fee required by WAC 246-491-990. Incomplete forms will not be filed and will be returned.

(8) To receive a birth certificate reflecting the change, a certificate order form must be sent to the department along with the applicable fee required by RCW 70.58.107.

[Statutory Authority: Chapters 26.26A and 26.26B RCW, and RCW 43.70.150. WSR 19-02-087, § 246-490-305, filed 1/2/19, effective 1/2/19.]

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(8) To receive a certification of birth reflecting the change, a certification order form must be sent to the department along with the applicable fees required by RCW 70.58A.560 and WAC 246-491-990.

[Statutory Authority: 2019 c 148. WSR 20-13-017, § 246-490-305, filed 6/5/20, effective 1/1/21. Statutory Authority: Chapters 26.26A and 26.26B RCW, and RCW 43.70.150. WSR 19-02-087, § 246-490-305, filed 1/2/19, effective 1/2/19.]