

Welcome to the Dad Allies Provider Learning Series

Establishing Parentage in Washington State
How it Really Works

January 18, 2024

Washington
Fatherhood
Council



Fathers and Parenting

We
know
that:

Child and family well-being improve when fathers are positively engaged in their children's lives.

Fathers play a unique and important role in children's development.

Fathers should have support and resources to become the fathers they aspire to be.



Washington
Fatherhood
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Establishing parentage in Washington – How it really works

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Division of Child Support Parentage and Paternity Initiatives Program



King County



Washington State
Department of Social
& Health Services

Transforming lives

Parentage vs. paternity

Parentage is the legal relationship between a **parent** and child.

Paternity is the legal relationship between a **father** and child.



Ways to establish parentage



Marriage



Court order



Acknowledgment

Legal Presumption of Parentage

Married to the birth parent when the child was born

Child born within 300 days of termination of marriage to the birth parent

Acknowledgment of Parentage

Legal form to establish a parent-child relationship and add a second parent to the birth certificate

Faster than the court order process, but does not address custody, visitation, etc.

Signatures may be notarized or witnessed

Denial of Parentage

Rescission of Parentage and challenge

The image shows three overlapping forms from the Washington State Department of Health, Center for Health Statistics. The top form is the 'STATEMENTS OF ACKNOWLEDGMENT' (DHS 422-159 March 2021), which includes instructions and a checklist for completing the Acknowledgment of Parentage (ACOP). The middle form is the 'ACKNOWLEDGMENT OF PARENTAGE' (DHS 422-159 March 2021), which is a legal document for completing the birth certificate. The bottom form is the 'Denying Parentage Checklist' (DHS 422-159 March 2021), which provides instructions on how to deny parentage. The forms are titled 'Center for Health Statistics, P.O. Box 5709, Olympia, WA 98507, 200-226-4300, Fees: \$18 Filing Fee'.



**Voluntary
Paternity
Testing
Program**

VPTP

No cost genetic testing

No DCS case needed

Helps settle the question of the biological parent early in the child's life

Partnership with hospitals, midwives, and birthing centers

Legal requirement for providers to offer the Acknowledgment of Parentage

- With oral and written information

Provider Reimbursement

Time frames



Legal Parent by Court Order

❑ Genetic Parent

- Need genetic test results *and* chain of custody

❑ Holding Out Presumed Parent (HOPP)

- Live with child from birth to at least age 4 and openly treat child as your own

❑ De Facto Parent

- Only alleged de facto parent can file case
- Court must find you meet criteria in RCW 26.26A.440



How do cases get to the
Prosecutor's Office?

All Cases Come From the Division of Child Support

❑ TANF Referral

- ❑ DCS refers cases when parentage is not established and child is receiving TANF

❑ Non-Assistance request for services

- ❑ Any parent, alleged parent, or person with physical custody of the child may request DCS services
- ❑ No income limits to be eligible for services
- ❑ May apply for any services DCS offers: parentage establishment, child support review, and enforcement

❑ Dependency Cases

- ❑ PAO can facilitate non-assistance request for services – provide forms, route to DCS, and monitor to make sure parentage case is referred to PAO



The Court Process

What we need to file a Parentage Petition

1. Basis for Parentage Petition

- ❑ Sworn statement showing “reasonable possibility” alleged parent is a biological parent – provides basis for court to order genetic testing

2. Service

- ❑ Must be personal service
- ❑ Service by publication is not permitted
- ❑ Goal is to give actual notice

Genetic Testing

❑ Who?

- Schedule mother, child and alleged bio parent
- Only need alleged bio parent and child for valid results

❑ Why?

- Necessary if multiple alleged parents or both an alleged and a presumed by marriage

❑ What?

- Results are only admissible to prove parentage if they include chain of custody

❑ When?

- Can only be scheduled after the case is filed
- Appointment scheduled by PAO. Notice mailed to parties.

❑ Where?

- Currently only being done at LabCorp. Previously in office.
- Schedule at LabCorp closest to home address
- Will reschedule close to work or other convenient address.

Resolution

- Dismissal
- Summary Judgment (most common)
- Default
- Trial

Summary Judgment

Purpose: Once genetic testing confirms the biological parent, the state files a motion for summary judgment to make the biological parent a legal parent.

- ❑ GT results are mailed to the parties with a request for financial and other information.
- ❑ Prepare motion for summary judgment asking the court to:
 - Name the legal parents
 - Order child support or reserve for administrative process
 - Income calculations
 - Order back support
 - Address other issues at request of the parties, i.e. name change



Any questions?

Contacts

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Thank You!



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