

Superior Court of Washington, County of _____

In re parentage:

Petitioner/s *(person/s who started this case):*

And Respondent/s *(intended parent/s, or person acting as surrogate and their Spouse, if any):*

No. _____

Findings and Conclusions about Pre-Birth Parentage - Gestational Surrogacy or Assisted Reproduction

(FNFLC)

Findings and Conclusions about Pre-Birth Parentage - Gestational Surrogacy or Assisted Reproduction

1. **Basis for findings and conclusions**

Parties' agreement *(check one):*

- Gestational surrogacy agreement (RCW 26.26A.700 - .755.)
- Assisted reproduction agreement (where the birth parent is an intended parent) (RCW 26.26A.600 - .615.)

➤ **The Court makes the following findings of fact and conclusions of law:**

2. **Authority to decide this case (Jurisdiction)**

All parties agree that the court can enter a pre-birth parentage order (has personal and subject matter jurisdiction).

3. **Surrogacy Agreement**

(Check all that apply):

- Does not apply. This is an assisted reproduction case where the person giving birth is an intended parent. *(Skip to 4.)*

The person acting as a surrogate, the spouse of the person acting as surrogate (if any) and the intended parent/s signed a surrogacy agreement on *(date)*: _____, and *(check one)*:

The surrogacy agreement meets **ALL** the following requirements of RCW 26.26A.705 - .715.

The surrogacy agreement meets the requirements of RCW 26.26A.705 - .710.

The person acting as a surrogate:

- Is 21 years old or older.
- Previously has given birth to at least one child but not enter into more than two surrogacy agreements that result in the birth of children.
- Completed a medical evaluation related to the surrogacy arrangement by a licensed medical doctor.
- Completed a mental health consultation by a licensed mental health professional.
- Had independent legal representation of their choice, paid for by the intended parent/s, throughout the surrogacy arrangement about the terms of the surrogacy agreement and the potential legal consequences of the agreement. The lawyer is named in the agreement.

The intended parent/s:

- Is/are 21 years or older.
- Completed a medical evaluation related to the surrogacy arrangement by a licensed medical doctor.
- Completed a mental health consultation by a licensed mental health professional.
- Had independent legal representation of their choice throughout the surrogacy arrangement regarding the terms of the surrogacy agreement and the potential legal consequences of the agreement. The lawyer is named in the agreement.

All parties signed the agreement in front of a notary or witnesses **before** a medical procedure occurred (other than the medical evaluation or mental health consultation). Each intended parent and the person acting as a surrogate received a signed copy of the agreement.

The content of the surrogacy agreement meets the requirements of RCW 26.26A.715.

The surrogacy agreement complies with all the provisions of RCW 26.26A.705, .710, or .715, except in these ways:

The court should decide the parties' rights and duties consistent with their intent when they signed the agreement. (RCW 26.26A.755(2).) The parties intended:

4. Assisted Reproduction Agreement

- Does not apply. This is surrogacy case. (*Skip to 5.*)
- The child was conceived by assisted reproduction. (Intended Parents' *Names*):
_____ consented to assisted reproduction with the intent that they would all be parents. The consent was not withdrawn. Proof of consent is (*check one*):
 - in a written agreement or record, including through a fertility clinic.
 - not** in writing. However, the intended parents had an express agreement **before** conception that they would all be parents of the child.

5. Parentage

Based on the findings and conclusions above, the court should order:

- Parent/s** (*Intended parents' name/s*) _____ are the legal parent/s of the child conceived through surrogacy or assisted reproduction with all the rights and duties of natural or adoptive parents.
- Not a Parent** (*Gestational surrogate and spouse, if any*) _____ are not parents of the child conceived through surrogacy.

6. Birth Record

The court should direct the state registrar of vital statistics to list each intended parent as a parent of the child on the birth certificate and other birth records.

7. Other findings or conclusions (if any)

Date

▶ _____
Judge or Commissioner

Petitioner/s and Respondent/s or their lawyers fill out below.

This document
is an agreement of the parties and
 is presented by me
 may be signed by the court without notice to me

▶ _____
Petitioner signs here or lawyer signs here + WSBA #

Print Name *Date*

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▶ _____
Respondent signs here or lawyer signs here + WSBA #

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