

Superior Court of Washington, County of _____

In re parentage:

Petitioner *(person who started this case)*:

And Respondents:

(parent / presumed parent / possible genetic parent)

No. _____

Petition to Decide Parentage
(PTDTP)

Petition to Decide Parentage

Use this form to ask the court to

- decide if a possible genetic parent is a legal parent
- disprove a presumed parent as a legal parent
- confirm a presumed parent is a legal parent
- challenge an Acknowledgment or Denial of Parentage
- confirm an intended parent by assisted reproduction (not surrogacy)

➤ **Parentage**

1. Petitioner asks the court to decide who are the legal parents of the child listed below.

2. **Child**

| Child's name <i>(first, middle, last)</i> | Born <i>(month/day/year)</i> | Lives in <i>(county and state)</i> |
|-------------------------------------------|------------------------------|------------------------------------|
| | | |
| | | |

Important! Don't list more than one child unless they have all the same parents or possible parents. If they have (or may) have different parents, fill out a separate Petition for each child. If multiple children are listed, change "child" to "children" on this form as needed.

3. **Petitioner**

| Petitioner's Name <i>(first, middle, last)</i> | Lives in <i>(county and state)</i> |
|------------------------------------------------|------------------------------------|
| | |

Petitioner's relationship to child *(check one)*:

Birth Parent – I am this child's parent because I gave birth to the child.

Possible Genetic Parent – I may be this child’s parent because I had sex with the child’s birth parent between *(starting and ending dates)*: _____ when the child was likely conceived.

Presumed Parent *(by marriage, domestic partnership, or holding out)* – I am presumed by law to be this child’s parent because:

I was married to or registered domestic partners with the birth parent *(name)*: _____ when the child was born, or within the 300 days before the child was born.

I *believed* I was in a *valid* marriage or registered domestic partnership with the birth parent *(name)*: _____ when the child was born, or within the 300 days before the child was born, even though the marriage or partnership was or could have been invalidated by a court.

After the child was born, I married or became registered domestic partners with the birth parent *(name)*: _____ (or believed my marriage or partnership was valid, even if it was or could have been invalidated). I willingly said I was the child’s parent and I *(check at least one)*:

agreed to be and am listed as the parent on the child’s birth record.

filed a statement (assertion) claiming that I was the child’s parent with the state registrar of vital statistics.

I lived in the same home as the child and openly held him/her out as my own child for the first 4 years of the child’s life. *(List examples that show how you treated this child as if s/he were your own.)*

Acknowledged Parent – I am this child’s parent because I signed an Acknowledgment of Parentage that was filed with the state registrar of vital statistics.

Person who signed a Denial of Parentage – I am not a legal parent of this child now because I signed a Denial of Parentage that was filed with the state registrar of vital statistics along with an Acknowledgment of Parentage that said someone else was the child’s parent. I am filing this case to challenge that Denial and become a legal parent again.

Intended Parent by Assisted Reproduction – I am this child’s parent because I consented to assisted reproduction with Respondent with the intent that we both be parents.

4. Respondent/s

Important! You must name anyone who is already a parent and anyone whose parentage you’re asking the court to decide. This includes a person who:

- gave birth to the child (except as a surrogate).
- is a possible genetic parent (if you are asking the court to make a decision about this person).
- is a parent by court order (from a parentage, divorce, or adoption case).
- is presumed to be a parent because the child was born during a marriage or state registered domestic partnership or within 300 days after the marriage or domestic partnership ended.

- *is presumed to be a parent because s/he lived in the same household with the child for the first four years of the child's life, including any period of temporary absence, and openly held out the child as his/her child. (See RCW 26.26A.115(b).)*
- *signed an Acknowledgment of Parentage.*
- *signed a Denial of Parentage (if you are challenging the Denial or related Acknowledgment).*
- *consented to assisted reproduction with the intent to be a parent.*

Parents do **not** include any person who a court has ordered is not a parent.

| Respondent's Name (first, middle, last) | Lives in (county and state) |
|-----------------------------------------|-----------------------------|
| | |
| | |
| | |

Respondent's relationship to child (for each Respondent, write their name in the category below that applies):

- Birth Parent** – (Respondent's name) _____ is this child's parent because she gave birth to the child.
- Possible Genetic Parent/s** –
 (Respondent's name/s) _____
 may be a parent because the birth parent had sex with this person (or these people) between (starting and ending dates): _____
 when this child was likely conceived.
- Adjudicated Parent** – (Respondent's name) _____
 was found to be a parent in a court order, including parentage, divorce, and adoption.
- Presumed Parent** (by marriage, domestic partnership, or holding out) –
 (Respondent's name) _____ is a presumed parent because (check all that apply):
- this person and the birth parent were married or in a registered domestic partnership when this child was born, or within the 300 days before this child was born.
 - this person and the birth parent *believed* they were in a *valid* marriage or registered domestic partnership when this child was born, or within the 300 days before this child was born, even though the marriage or partnership was (or could have been) invalidated by a court.
 - after* this child was born, this person and the birth parent married or became registered domestic partners (or believed their marriage or partnership was valid, even if it was or could have been invalidated). This person willingly said s/he is this child's parent and (check all that apply):
 - Agreed to be and is listed as the parent on this child's birth record.
 - Filed a statement claiming s/he was this child's parent with the state registrar of vital statistics.
 - this person lived in the same household as the child for the first 4 years of the child's life, including any periods of temporary absence, and openly held out

the child as his/her own child. (List examples that show how this person treated this child as if s/he were the parent.):

Acknowledged Parent – (Respondent's name) _____ signed an Acknowledgment of Parentage that was filed with the state registrar of vital statistics.

Person who signed a Denial of Parentage – (Respondent's name) _____ signed a Denial of Parentage that was filed with the state registrar of vital statistics along with an Acknowledgment of Parentage that said someone else was the child's parent.

Important! You must include this person in this case if you are challenging a Denial of Parentage or an Acknowledgment of Parentage that included a Denial.

Intended Parent by Assisted Reproduction – (Respondent's name) _____ consented to assisted reproduction with the intent that we both be parents.

5. Personal Jurisdiction

Fill out below to say if a Washington state court has personal jurisdiction (authority to make decisions) over each Respondent. (Add columns if needed for more Respondents.)

| Basis for Personal Jurisdiction (check all that apply) | Respondent's Name: | Other Respondent's Name: |
|-------------------------------------------------------------------|--------------------------|--------------------------|
| Will be served in Washington | <input type="checkbox"/> | <input type="checkbox"/> |
| Lives in Washington now | <input type="checkbox"/> | <input type="checkbox"/> |
| Lived in Washington with child | <input type="checkbox"/> | <input type="checkbox"/> |
| Lived in Washington and paid pregnancy costs or support for child | <input type="checkbox"/> | <input type="checkbox"/> |
| Caused child to live in Washington | <input type="checkbox"/> | <input type="checkbox"/> |
| Had sex in Washington that may have produced the child | <input type="checkbox"/> | <input type="checkbox"/> |
| Agrees to Washington deciding | <input type="checkbox"/> | <input type="checkbox"/> |
| None of the above | <input type="checkbox"/> | <input type="checkbox"/> |

6. Correct County (Venue)

This is the correct county for this case to be heard because this is where:

The child lives or is located.

The Respondent (name): _____ lives or is located, if the child lives outside Washington.

A probate case has been filed for a person whose parentage will be decided.

7. Genetic Testing

I ask the court to decide parentage based on genetic testing. (*Check one*):

I will file a motion for genetic testing.

Genetic testing has already been done.

I do **not** want the court to use genetic testing to decide parentage.

If genetic testing shows I am **not** the child's parent, I intend to claim I am a De Facto Parent. I will file a *Petition for De Facto Parentage*, FL Parentage 341.

8. Presumed Parent, if any (by marriage, domestic partnership, or holding out)

Does not apply – To my knowledge, no one is already presumed to be a parent by marriage, domestic partnership, or holding out.

Disprove Presumed Parent – (*Name*): _____ is a presumed parent by marriage or domestic partnership. I ask the court to order that this person is **not** a parent.

Deadline – I am starting this case before the legal deadline because I am filing or serving this petition (*check all that apply*):

on or before the child's 4th birthday.

after the child's 4th birthday, and the presumed parent:

- is not a genetic parent,
- never lived with the child, **and**
- never held out the child as his/her own.

after the child's 4th birthday, and the child has more than one presumed parent.

Confirm Presumed Parent – (*Name*): _____ is a presumed parent by marriage, domestic partnership, or holding out. I ask the court to order that this person **is confirmed** as a legal parent if (*check all that apply*):

no one in this case says the presumed parent should **not** be a parent.

genetic testing shows the presumed parent is the genetic parent.

it is in the child's best interest, even if the presumed parent is not the genetic parent.

No Change – (*Name*): _____ is a presumed parent by marriage, domestic partnership, or holding out, but I am **not** asking the court to make an order about their status as a parent.

Other (*specify*): _____

9. Challenge to Acknowledgment or Denial of Parentage by person who signed

Does not apply.

Challenge by person who signed – I ask the court to invalidate the Acknowledgment or Denial of Parentage that I signed about the child.

I am filing a copy of the Acknowledgment and/or Denial of Parentage with this Petition under a sealed cover sheet (form FL Parentage 329).

Warning! *If there is both an Acknowledgment and Denial of Parentage, invalidating one will cancel both.*

Deadline – I am starting this case before the legal deadline, which is within **4 years** of the child’s birth or the date an Acknowledgement of Parentage was filed, whichever happened later.

Reason/s for challenge – I signed the Acknowledgment or Denial of Parentage because of (*check all that apply*):

fraud duress (pressure or force) material mistake of fact.

(*Describe the fraud, duress, or mistake.*): _____

10. Challenge by Person not included in Acknowledgment or Court Decision

Does not apply.

Challenge by:

Person not included in an Acknowledgment of Parentage – The Respondents signed an Acknowledgment and/or Denial of Parentage for this child that was filed with the state registrar of vital statistics. I did not sign that Acknowledgment or Denial of Parentage. I believe I am this child’s parent.

Deadline – I am starting this case before the legal deadline, which is within **4 years** of the child’s birth or the date an Acknowledgement of Parentage was filed, whichever happened later.

Person not included in a court decision – A court has already decided that Respondents are the parents of this child. I was not a party to that court case and received no notice about that court case. I believe I am this child’s parent.

Deadline – I am filing or serving this petition before the legal deadline, which is within **four years** of the date a court decided parentage.

Request to go forward – I ask the court to allow this case to go forward because it is in the best interest of the child.

Important! *Petitioner must file a Motion to Permit Proceeding (by a person not included in the Acknowledgment or Court Decision) form FL Parentage 304. If the court does not find that it is in the child’s best interest to proceed, the petition must be dismissed.*

Parentage request – If genetic testing shows that I am a biological parent, I ask the court to order that I am a legal parent and (*check one*):

(Name) _____ is **not** a legal parent.

not change the status of the Respondents who are already legal parents (so the child will have more than two parents).

11. Assisted Reproduction (not surrogacy)

Does not apply – To my knowledge, the child was not conceived by assisted reproduction.

Intended parent – (*Respondent name*): _____ and I are the intended parents of a child conceived by assisted reproduction. I ask the court to order that we are legal parents.

Proof that we both consented to be parents by assisted reproduction is (*check one*):

in writing. We signed an agreement or record on (*date*): _____ consenting to the assisted reproduction with the intent to become parents.

not in writing. However, (*check all that apply*):

we had an express agreement before conception that we would be parents of the child.

we lived together with the child, holding the child out as our child, for the first four years of the child’s life or until one of us died or became incapacitated.

12. Birth Record

No request to change birth records.

Parents Listed: I ask the court to change the parents listed on the child’s birth record based on the parentage decision in this case.

Child’s Name: I ask the court to change the child’s name in the birth record to:

because (*explain why*): _____

13. Other children together

Does not apply.

Petitioner and Respondent have other children together for whom parentage has already been decided, but no *Parenting Plan* or custody order is in place. (*Fill out below.*)

| Child’s name (<i>first, middle, last</i>) | Born (<i>month/day/year</i>) | Lives in (<i>county and state</i>) | How was parentage decided? (<i>Acknowledgment or Court Order?</i>) |
|------------------------------------------------|-----------------------------------|-----------------------------------------|-------------------------------------------------------------------------|
| | | | |
| | | | |
| | | | |

Petitioner asks the court to approve child support, parenting plan, and/or other orders as requested below for all the children Petitioner and Respondent have together.

Complete the rest of this form for all the children, not just for the child listed in section 1 whose parentage is being decided. Change “child” to “children” as needed.

➤ **Child Support**

14. Child Support

The child has a right to child support (including medical support) from the legal parents according to state law. The court will order child support unless all parents are living together with the child or there is already an administrative order set by the Division of Child Support.

I ask the court to **stop** (*name's*) _____ child support obligation if the court decides they are **not** a parent.

To suspend child support before this case is finished, a party must file a motion and show good cause.

15. Past support and repayment of specific expenses

No request.

Past Support – The state of Washington or (*name*): _____ has provided support to the child and has the right to receive up to five years of past child support according to the Washington State Child Support Schedule.

Specific Expenses – The state of Washington or (*name*): _____ has incurred expenses for pregnancy and childbirth or provided other services to the child and has the right to be repaid (*check one*):

(*amount*): \$ _____

an amount to be proven later.

➤ **Parenting Plan / Residential Schedule**

Check one:

I am **not** asking the court to make any orders about parenting or residential time. (*Skip sections 16 – 20.*)

I am asking the court to make orders about parenting or residential time. (*Complete sections 16 – 20.*)

16. Child's Home/s

During the past 5 years, has the child lived:

- on an Indian reservation,
- outside Washington state,
- in a foreign country, or
- with anyone who is not a party to this case?

No. (*Skip to 17.*)

Yes. (*Fill out below to show where the child has lived during the last 5 years.*)

| Dates | Lived with | In which state, Indian reservation, or foreign country |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| From: To: | <input type="checkbox"/> Petitioner <input type="checkbox"/> Resp. (<i>name/s</i>): <input type="checkbox"/> Other (<i>name/s</i>): | |
| From: To: | <input type="checkbox"/> Petitioner <input type="checkbox"/> Resp. (<i>name/s</i>): <input type="checkbox"/> Other (<i>name/s</i>): | |

| Dates | Lived with | In which state, Indian reservation, or foreign country |
|--------------|--------------------------------------------------------------|--------------------------------------------------------|
| From: To: | [] Petitioner [] Resp. (name/s): [] Other (name/s): | |
| From: To: | [] Petitioner [] Resp. (name/s): [] Other (name/s): | |
| From: To: | [] Petitioner [] Resp. (name/s): [] Other (name/s): | |

17. Other people with a legal right to spend time with the child

Do you know of anyone besides yourself and Respondent/s who has or claims to have a legal right to spend time with the child?

[] No.

[] Yes. (Name/s) _____ has or claims to have a legal right to spend time with this child because: _____

18. Other court cases involving the child

Do you know of any court cases involving the child?

(Check one): [] No. (Skip to **19.**) [] Yes. (Fill out below.)

| Kind of case (Family Law, Criminal, Protection Order, Juvenile, Dependency, Other) | County and State | Case number and year |
|---------------------------------------------------------------------------------------|------------------|----------------------|
| | | |
| | | |
| | | |

Important! If there is an open dependency case about this child, you must give a copy of this Petition to the Department of Children, Youth, and Families.

19. Jurisdiction over the child (RCW 26.27.201 – .221, .231, .261, .271)

[] The court **can** decide a *Parenting Plan* or *Residential Schedule* for the child and decide who the child should live with most of the time because:

- Exclusive, continuing jurisdiction** – A Washington court has already made a custody order or parenting plan for the child, and the court still has authority to make other orders for the child.
- Home state jurisdiction** – Washington is the child’s home state because *(check all that apply)*:
 - The child lived in Washington with a parent or someone acting as a parent for at least the 6 months just before this case was filed, or if the child is less than 6 months old, the child has lived in Washington with a parent or someone acting as a parent since birth.
 - There were times the child was not in Washington in the 6 months just before this case was filed (or since birth if the child is less than 6 months old), but those were temporary absences.
 - The child does not live in Washington right now, but Washington was the child’s home state sometime in the 6 months just before this case was filed, and a parent or someone acting as a parent of the child still lives in Washington.
 - The child does not have another home state.
- No home state or home state declined** – No court of any other state (or tribe) has the jurisdiction to make decisions for the child **or** a court in the child’s home state (or tribe) decided it is better to have this case in Washington **and**:
 - The child and a parent or someone acting as a parent have ties to Washington beyond just living here; **and**
 - There is a lot of information (substantial evidence) about the child’s care, protection, education, and relationships in this state.
- Other state declined** – The courts in other states (or tribes) that might be the child’s home state have refused to take this case because it is better to have this case in Washington.
- Temporary emergency jurisdiction** – The court can make decisions for the child because the child is in this state now **and** was abandoned here **or** needs emergency protection because the child (or the child’s parent, brother, or sister) was abused or threatened with abuse. (*Check one*):
 - A custody case involving the child was filed in the child’s home state (*name of state or tribe*): _____. Washington should take temporary emergency jurisdiction over the child until the Petitioner can get a court order from the child’s home state (or tribe).
 - There is **no** valid custody order or open custody case in the child’s home state (*name of state or tribe*): _____. If no case is filed *in the child’s home state (or tribe)* by the time the child has been in Washington for 6 months, (*date*): _____, Washington should have final jurisdiction over the child.
- Other reason (*specify*): _____
- The court **cannot** decide a *Parenting Plan* or *Residential Schedule* for the child or decide who the child should live with most of the time because the court does not have jurisdiction over the child.

20. Parenting Plan or Residential Schedule

The child currently lives with (name/s): _____

I ask the court for a *Parenting Plan* or *Residential Schedule*. I will file and serve my proposed *Parenting Plan* (FL All Family 140) or *Residential Schedule* (FL Parentage 304) with this *Petition* or in the future.

I am not asking the court for a *Parenting Plan* or *Residential Schedule*.

Warning! If the parents are not living together, the court may decide who the child will live with most of the time even if no parent requests a *Parenting Plan* or *Residential Schedule*. That decision will affect all parents' rights.

➤ **Other Requests**

21. Protection Order

Do you want the court to issue a *Protection Order* as part of the final orders in this case?

No. I do not want a *Protection Order*.

Yes. (You must file a *Petition Protection Order*, form P 001. You may file your *Petition for Protection Order* using the same case number assigned to this case.)

Important! If you need protection **now**, ask the court clerk about getting a *Temporary Protection Order*.

There already is a *Protection Order* between (name): _____ and me. (Describe below. Attach a copy if you have one.):

Court that issued the order: _____

Case number: _____

Expiration date: _____

22. Restraining Order

Do you want the court to issue a *Restraining Order* as part of the final orders in this case?

No. (Skip to **23**.)

Yes. Check the type of orders you want:

Do not disturb – Order (name/s) _____ not to disturb my peace or the peace of the child.

Stay away – Order (name/s) _____ not to go onto the grounds of or enter my home, workplace, vehicle, or school, and the child's daycare or school.

Also, not knowingly to go or stay within _____ feet of my home, workplace, vehicle, or school, or the child's daycare or school.

Do not hurt or threaten – Order (name/s) _____ :

- Not to assault, harass, stalk or molest me or the child; and
- Not to use, try to use, or threaten to use physical force against me or the child that would reasonably be expected to cause bodily injury.

Warning! If the court makes this order, the court must consider if weapons restrictions are required by state law; federal law may also prohibit the *Restrained Person* from possessing firearms or ammunition.

- Prohibit weapons and order surrender** – Order (*name/s*) _____:
- Not to access, possess, or obtain any firearms, other dangerous weapons, or concealed pistol licenses until the Order ends, and
 - To immediately surrender any firearms, other dangerous weapons, and any concealed pistol licenses that he/she possesses to (*check one*): the police chief or sheriff. his/her lawyer. other person (*name*): _____
- Other orders:** _____
- _____
- _____
- _____

Important! If you want a restraining order **now**, you must file a Motion for Temporary Family Law Order and Restraining Order (form FL Parentage 323) or a Motion for Immediate Restraining Order (Ex Parte) (FL Parentage 321).

23. Fees and Costs

- Does not apply.
- I ask the court to order the Respondent (*name/s*): _____ to pay filing fees, reasonable lawyer fees, fees for genetic testing, other costs, and necessary travel and other reasonable expenses.

24. Other (if any)

Petitioner fills out below:

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at (*city and state*): _____ Date: _____

▶ _____
Petitioner signs here *Print name*

Petitioner’s lawyer (if any) fills out below:

▶ _____
Petitioner’s lawyer signs here *Print name and WSBA No.* *Date*

Respondent fills out below if s/he agrees to join this Petition:

I, (*name*): _____, agree to join this *Petition*. I understand that if I fill out and sign below, the court may approve the requests listed in this *Petition* unless I file and serve a *Response* before the court signs final orders. (*Check one*):

- I do not need to be notified about the court’s hearings or decisions in this cas.
- I ask the Petitioner to notify me about any hearings in this case. (*List an address where you agree to accept legal documents. This may be a lawyer’s address or any other address.*)

Address City State Zip

(If this address changes before the case ends, you **must** notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information Form (FL All Family 001).)

▶ _____
Respondent signs here Print name Date

Other Respondent fills out below if they agree to join this Petition:

I, (name): _____, agree to join this *Petition*. I understand that if I fill out and sign below, the court may approve the requests listed in this *Petition* unless I file and serve a *Response* before the court signs final orders. (*Check one*):

- I do not need to be notified about the court's hearings or decisions in this case.
- I ask the Petitioner to notify me about any hearings in this case. (*List an address where you agree to accept legal documents. This may be a lawyer's address or any other address.*)

Address City State Zip

(If this address changes before the case ends, you **must** notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information Form (FL All Family 001).)

▶ _____
Other Respondent signs here Print name Date