

**Superior Court of Washington, County of**

In re parentage:

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

\_\_\_\_\_

\_\_\_\_\_

And Respondents:

*(person acting as a surrogate and their spouse, if any, or intended parents )*

\_\_\_\_\_

\_\_\_\_\_

No. \_\_\_\_\_

Petition to Decide Parentage - Genetic Surrogacy (PTDTPS)

## Petition to Decide Parentage - Genetic Surrogacy

*Use this form to ask the court to decide parentage under a Genetic Surrogacy Agreement, and to validate the agreement.*

*Do not use this form for Gestational Surrogacy (where the surrogate will not be genetically related to the intended child).*

### 1. Parties in this case

	Petitioner	Petitioner	Respondent	Respondent
Name (full name)				
Lives in (county, state)				
Intended Parent/s according to the Surrogacy Agreement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Person acting as surrogate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Spouse of person acting as surrogate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Note: Either a person acting as surrogate or the intended parent/s can be the petitioner or the respondent. If a person acting as a surrogate has a spouse, their spouse **must** be a party to the agreement and in this case.

## 2. Authority to decide (Jurisdiction) (RCW 26.26A.730)

Washington state has personal jurisdiction (authority to make decisions) over Respondent/s. Respondent/s join this petition and agree the court can decide their rights in this case.

Washington state will have exclusive, continuing jurisdiction over all matters involving the agreement until 90 days after the child's birth.

## 3. Correct County (Venue)

This is the correct county for this case to be heard because this is where (*check all that apply*):

- the parties agreed to file the case.
- a Respondent lives or is located.
- an intended parent lives.
- a medical evaluation or procedure, or a mental health consultation happened.

## 4. Surrogacy Agreement

We entered into a Genetic Surrogacy Agreement (surrogate is or will be genetically related to the intended child). The child (*check one*):

- has **not** been born. We will ask the court to validate the agreement before birth. Use *Motion to Validate Genetic Surrogacy Agreement*, form FL Parentage 363.
- was born more than 48 hours ago. No court validated the agreement before birth. The person acting as surrogate did not withdraw consent. We ask the court to decide parentage based on the best interest of the child after considering the agreement and the factors in RCW 26.26A.460(1). RCW 26.26A.775(4).

*Note: The surrogacy agreement is not required to be filed with the court, but must be available for the court to review. If you do want to file the agreement with the court, file it separately under form FL All Family 012 Sealed Personal Health Care Records (Cover Sheet).*

## ➤ Requests

**Warning!** The law allows an intended parent to end a genetic surrogacy agreement before successful assisted reproduction occurs. The person acting as a surrogate may withdraw consent to the agreement any time up to 48 hours after the birth of a child. A genetic surrogate joining in this petition does not change the right to withdraw consent. To end the agreement, you may use the Notice to Terminate (End) Genetic Surrogacy Agreement form FL Parentage 365.

5. **Request Order Declaring Parentage**

- We request that, no earlier than 48 hours after the birth of child, the court enter an order deciding the intended parents are the legal parents of the child, with all the rights and duties of a natural or adoptive parent.

Intended Parent (name): \_\_\_\_\_

Intended Parent (name): \_\_\_\_\_

- We request that the court decide parentage based on the best interest of the child under RCW 26.26A.775(4).

6. **Birth Record**

- Parents Listed: We ask the court to order that the parents listed on the child’s birth certificate and any other birth record be based on the parentage decision in this case.
- Child’s Name: We ask the court to order the child’s name in the birth certificate and any other birth record to be:

\_\_\_\_\_ ,  
because (explain why): \_\_\_\_\_.

7. **Other Requests**

We also ask the court to:

- Declare that the woman acting as a genetic surrogate and her spouse or former spouse, if any, are **not** the parents of the child.
- Other: \_\_\_\_\_

**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

**Other Petitioner (if any) 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: \_\_\_\_\_

▶ \_\_\_\_\_  
Other Petitioner signs here Print name

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

▶ \_\_\_\_\_  
Petitioner’s lawyer signs here Print name and WSBA No. Date

