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SUPREME COURT
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No. 86895-6

SUPREME COURT
OF THE STATE OF WASHINGTON

In re the Custody of: BENJAMIN MATTHEW HOLT, MICHAEL J. HOLT, Respondent, vs. LAURIE L. HOLT, Petitioner.	SUPPLEMENTAL STATEMENT OF ADDITIONAL AUTHORITY RAP 10.8
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Petitioner Laurie Holt submits the following additional authority, referenced during oral argument today:

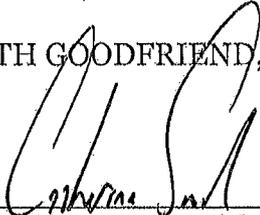
Engrossed Second Substitute House Bill (ESSHB) 1267, 62nd Legislature, Reg. Sess. (2011), § 2 (reflecting amendments to RCW 26.26.021) (attached).



Uniform Parentage Act (2002 amend.) § 103,
Comment (reflecting Comments of the National Conference of
Commissioners on Uniform State Laws (NCCUSL)) (attached).

DATED this 27th day of September, 2012.

SMITH GOODFRIEND, P.S.

By: 

Catherine W. Smith

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Attorneys for Petitioner

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1267

62nd Legislature
2011 Regular Session

Passed by the House April 21, 2011
Yeas 57 Nays 40

Speaker of the House of Representatives

Passed by the Senate April 21, 2011
Yeas 27 Nays 21

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1267 as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1267

AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By House General Government Appropriations & Oversight (originally sponsored by Representatives Pedersen, Walsh, Jenkins, Eddy, Roberts, Kagi, Sullivan, Van De Wege, Hurst, Goodman, Orwall, Moeller, Kirby, Frockt, Carlyle, Llias, Kenney, Clibborn, Seaquist, Blake, Hudgins, Fitzgibbon, Darnelle, Dunshee, Morris, Takko, Pettigrew, Finn, Billig, Hunter, Cody, Dickerson, Stanford, Springer, Reykdal, Haigh, Rolfes, Sells, Jacks, Appleton, Hunt, Maxwell, Ryu, Ormsby, Ladenburg, McCoy, Santos, Lytton, Moscoso, Upthegrove, Green, Hasegawa, and Tharinger; by request of Washington State Bar Association)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to clarifying and expanding the rights and
2 obligations of state registered domestic partners and other couples
3 related to parentage; amending RCW 26.26.011, 26.26.021, 26.26.041,
4 26.26.051, 26.26.101, 26.26.106, 26.26.111, 26.26.116, 26.26.130,
5 26.26.150, 26.26.300, 26.26.305, 26.26.310, 26.26.315, 26.26.320,
6 26.26.330, 26.26.335, 26.26.340, 26.26.360, 26.26.375, 26.26.400,
7 26.26.405, 26.26.410, 26.26.420, 26.26.425, 26.26.430, 26.26.435,
8 26.26.445, 26.26.505, 26.26.510, 26.26.525, 26.26.530, 26.26.535,
9 26.26.540, 26.26.545, 26.26.550, 26.26.555, 26.26.570, 26.26.575,
10 26.26.585, 26.26.590, 26.26.600, 26.26.620, 26.26.625, 26.26.630,
11 26.26.705, 26.26.710, 26.26.715, 26.26.720, 26.26.725, 26.26.730,
12 26.26.735, 26.26.903, and 26.26.911; adding a new section to chapter
13 26.26 RCW; and creating new sections.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

15 **Sec. 1.** RCW 26.26.011 and 2002 c 302 s 102 are each amended to
16 read as follows:

17 The definitions in this section apply throughout this chapter
18 unless the context clearly requires otherwise.

1 (b) The age of the person at the time of the donation.

2 **Sec. 2.** RCW 26.26.021 and 2002 c 302 s 103 are each amended to
3 read as follows:

4 (1) This chapter (~~governs every~~) applies to determinations of
5 parentage in this state.

6 (2) The court shall apply the law of this state to adjudicate the
7 parent-child relationship. The applicable law does not depend on:

8 (a) The place of birth of the child; or

9 (b) The past or present residence of the child.

10 (3) This chapter does not create, enlarge, or diminish parental
11 rights or duties under other law of this state.

12 (4) If a birth results under a surrogate parentage contract that is
13 unenforceable under the law of this state, the parent-child
14 relationship is determined as provided in RCW 26.26.101 through
15 26.26.116 and applicable case law.

16 **Sec. 3.** RCW 26.26.041 and 2002 c 302 s 105 are each amended to
17 read as follows:

18 Proceedings under this chapter are subject to other laws of this
19 state governing the health, safety, privacy, and liberty of a child or
20 other individuals (~~that~~) who could be jeopardized by disclosure of
21 identifying information, including the address, telephone number, place
22 of employment, social security number, and the child's day-care
23 facility and school.

24 **Sec. 4.** RCW 26.26.051 and 2002 c 302 s 106 are each amended to
25 read as follows:

26 (1) The provisions relating to determination of (~~paternity may be~~
27 applied)) parentage apply to ((a)) determinations of maternity and
28 paternity.

29 (2) The provisions in this chapter apply to persons in a domestic
30 partnership to the same extent they apply to persons in a marriage, and
31 apply to persons of the same sex who have children together to the same
32 extent they apply to persons of the opposite sex who have children
33 together.

Uniform Laws Annotated

Uniform Parentage Act (2000) (Last Amended or Revised in 2002) (Refs & Annos)

Article 1. General Provisions (Refs & Annos)

Unif.Parentage Act (2000) § 103

§ 103. Scope of [Act]; Choice of Law.

Currentness

(a) This [Act] applies to determination of parentage in this State.

(b) The court shall apply the law of this State to adjudicate the parent-child relationship. The applicable law does not depend on:

(1) the place of birth of the child; or

(2) the past or present residence of the child.

(c) This [Act] does not create, enlarge, or diminish parental rights or duties under other law of this State.

[(d) This [Act] does not authorize or prohibit an agreement between a woman and a man and another woman in which the woman relinquishes all rights as a parent of a child conceived by means of assisted reproduction, and which provides that the man and other woman become the parents of the child. If a birth results under such an agreement and the agreement is unenforceable under [the law of this State], the parent-child relationship is determined as provided in [Article] 2.]

Credits

As amended in 2002.

Editors' Notes

COMMENT

2011 Electronic Pocket Part Update.

The new UPA conforms to the requirement of 42 U.S.C. § 666(a)(5)(A), that a state must provide that parentage proceedings be available at any time before a child attains 18 years of age or suffer the potential penalty of forfeiture of the federal funds that subsidize child support enforcement by the state, *see* APPENDIX: FEDERAL IV-D STATUTE RELATING TO PARENTAGE, *infra*.

Subsection (a) was amended in 2002 in response to objections that the phrase “governs every determination of parentage” was excessively broad and could conflict with other state laws, such as those governing probate issues.

Subsection (b) is derived from the UIFSA (1996) § 303 and UPA (1973) § 8(b). This section simplifies choice of law principles; the local court is directed to apply local law. If in fact this state is an inappropriate forum, dismissal for forum non-conveniens may be appropriate.

Subsection (d) is bracketed. If a state enacts Article 8, Gestational Agreement, this subsection should be omitted. If a state does not enact Article 8, this subsection should be included to make clear that this Act does not affect other law of the jurisdiction on the subject, if any. The 2002 amendment employs consistent language in order to treat married and unmarried couples alike with regard to parentage issues, and reflects the terminology in Articles 2, 7, and bracketed Article 8.

(Comment updated December 2002)

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on September 27, 2012, I arranged for service of the foregoing Supplemental Statement of Additional Authority RAP 10.8, to the court and to the parties to this action as follows:

Office of Clerk Washington Supreme Court Temple of Justice P.O. Box 40929 Olympia, WA 98504-0929	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email
Carolyn M. Drew Attorney at Law 510 E McLoughlin Blvd Vancouver, WA 98663-3357	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email
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Katherine D. Bennett Sarah E. Lysons Christine J. Kim Perkins Coie LLP 1201 Third Avenue, Suite 4800 Seattle, WA 98101	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email

Bobbe J. Bridge Cheryl Kleiman Center for Children & Youth Justice 615 Second Avenue, Suite 275 Seattle, WA 98122	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email
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DATED at Seattle, Washington this 27th day of September, 2012.



 Victoria K. Isaksen

OFFICE RECEPTIONIST, CLERK

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Subject: RE: No. 86895-6, In re Custody of B.M.H.

Rec. 9-27-12

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

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Subject: No. 86895-6, In re Custody of B.M.H.

Attached for filing in pdf format is the Supplemental Statement of Additional Authority RAP 10.8, in *Custody of B.M.H.*, Cause No. 86895-6. The person submitting this document is Catherine W. Smith, WSBA No. 9542, email address cate@washingtonappeals.com.

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