

Superior Court of Washington, County of _____

In re:

Petitioner/s (as listed on the Petition):

And Respondent/s (as listed on the Petition):

No. _____

Order after Sexual Assault Fact-Finding
Hearing

(OSAFFH)

[] Clerk's action required: **14**

Order after Sexual Assault Fact-Finding Hearing

1. A [] *Petition to Stop Parentage Based on Sexual Assault* or [] *Sexual Assault Allegation* was filed by (name): _____.

A fact-finding hearing was held on (date): _____

with the following people present: _____

2. The court has considered the *Petition to Stop Parentage Based on Sexual Assault or Sexual Assault Allegation*, any *Response*, supporting or opposing declaration/s or other evidence, other documents from the court record identified by the court, if any, and any testimony or argument.

➤ **Findings & Conclusions**

3. Time limits and waiver

The law sets time limits for starting this case. If the time limits for the child who have a presumed, acknowledged, or adjudicated parent have already passed, the law allows the court to waive the time limit if this case is filed before January 1, 2020.

The alleged or convicted sexual assault perpetrator is a/n:

(Check one):

- [] **Possible Genetic Parent** who is **not** a presumed, acknowledged, or adjudicated parent.
There is no time limit for starting this case.

- Presumed parent** - The sexual assault allegation was filed:
 - on or before each child's 4th birthday.
 - after a child's 4th birthday but before January 1, 2020. A party asked the court to waive the time limit.
 - The presumed parent was found in a separate criminal or civil proceeding to have committed a sexual assault.
 - The court should not waive the time limit because: _____

- Acknowledged parent** - The sexual assault allegation was filed:
 - less than 4 years after the effective date of the *Acknowledgment of Parentage*.
 - more than 4 years after the effective date of the *Acknowledgment of Parentage*, but before January 1, 2020. A party asked the court to waive the time limit.
 - The acknowledged parent was found in a separate criminal or civil proceeding to have committed sexual assault.
 - The court should not waive the time limit because: _____

- Adjudicated parent** - The sexual assault allegation was filed before January 1, 2020. A party asked the court to waive the time limit.
 - The adjudicated parent was found in a separate criminal or civil proceeding to have committed sexual assault.
 - The court should not waive the time limit because: _____

Conclusion:

- Time limits do not apply.
- The sexual assault allegation was filed within the time limits.
- The sexual assault allegation was filed after the time limit but before January 1, 2020. The court (check one):
 - waives the time limit.
 - does **not** waive the time limit. The court will **not** stop parentage based on sexual assault.

4. Sexual Assault

- Not proved** – There is no evidence that (*name*): _____ was criminally convicted of sexual assault against the birth parent resulting in pregnancy and the birth of the child was within 320 days;

AND there is **not** clear, cogent, and convincing evidence to prove that (*name*): _____ committed sexual assault against the birth parent resulting in pregnancy and the birth of the child was within 320 days (*specify facts supporting this finding*):

Conclusion: The court will **not** stop parentage based on sexual assault.

Proved – (name): _____ (check one):

was convicted of or pleaded guilty to a sexual assault against the birth parent under RCW 9A.44.040, 9A.44.050, 9A.44.060 (rape in the first, second, or third degree), or a comparable crime of sexual assault including rape of a child of any degree, in the state or in any other jurisdiction, and the child was born within 320 days after the sexual assault.

committed sexual assault against the birth parent that was nonconsensual sexual penetration resulting in pregnancy, and the child was born within 320 days after the sexual assault. The court makes this finding by the following clear, cogent, and convincing evidence (*specify facts supporting this finding*):

Conclusion: The person who committed the sexual assault is **not** a legal parent of the child even if genetic testing shows that s/he is the biological parent.

The court must enter orders consistent with RCW 26.26A.465.

Unless the birth parent expressly agrees in writing, the person who committed the sexual assault does **not** have the right to:

- residential time with the child.
- make decisions for the child.
- inherit from the child.
- be notified about or object to adoption of the child.

5. Parentage

Does not apply because the court did **not** find that the children were born as a result of sexual assault.

The person who committed the sexual assault should not be a legal parent of the child.

6. Birth parent's request

- Does not apply because the court did not find that the child was born as a result of sexual assault.
- Birth parent did not ask the court to give the person who committed sexual assault any rights to the child.
- Birth parent expressly consented in writing for the court to give the person who committed the sexual assault the following right/s to the child even though s/he is not a parent:
 - residential time with the child.
 - make decisions for the child.
 - inherit from the child.
 - be notified about or object to adoption of the child.

7. Birth Record

- Does not apply because the court did **not** find that the child was born as a result of sexual assault.
- The birth parent did not ask the court to change the birth record.
- The birth parent asked the court to change the birth record:
 - Child's Name – Change it to:

Conclusion: This request (*check one*):

- is in the child's best interests. The child's name change should be included in the final order entered in this case.
 - is **not** in the child's best interest. The child's name should not be changed.
- Parents Listed: Change parents listed on the child's birth record based on the court's parentage decision.

Conclusion: This request (*check one*):

- is in the child's best interests. Respondent's name should be removed as a parent from the child's birth records.
- is **not** in the child's best interest. Respondent's name should **not** be removed as a parent from the child's birth records.

8. Child Support

- Does not apply because the court did **not** find that the child was born as a result of sexual assault.
- The court should order the person who committed sexual assault to pay child support and/or birth related costs.

Conclusion: The court should enter a *Child Support Order* or money judgment separately. (*If the person who committed sexual assault is not a legal parent, use form FL Parentage 386, Child Support Order, to order child support.*)

The birth parent asked the court **not** to order child support and/or birth related costs.

Conclusion: This request (*check one*):

is in the child's best interests. The court should include in the final order that no child support obligation may be established or collected from the person who committed sexual assault.

is **not** in the child's best interest. The court should enter a *Child Support Order* or money judgment separately. (*If the person who committed sexual assault is not a legal parent, use form FL Parentage 386, Child Support Order, to order child support.*)

9. Genetic Testing

Genetic testing was not done or the results were not admitted.

Genetic testing was admitted. The test results show a 99% or greater probability that (*name*): _____ **is** the biological parent of (*child's name*): _____.

10. Document Sealing

The declarations and other evidence filed for the fact-finding hearing (*check one*):

should should **not** be sealed because (*explain*):

11. Lawyers' Fees

Each party should pay his or her own lawyers' fees.

(*Name*): _____ incurred lawyers' fees, and needs help to pay those fees. (*Name*): _____ has the ability to help pay fees and should be ordered to pay \$_____. A money judgment will be filed separately or will be included in the final order for this case. The court finds that the amount ordered is reasonable.

12. Other findings or conclusions (if any)

➤ Court Orders

13. Parentage

This order does not decide parentage because the court did **not** find that the child was born as a result of sexual assault. The court will decide parentage and may order other relief in separate final orders.

The person who committed the sexual assault (*name*): _____ is **not** a legal parent of the child, and (*check one*):

has no rights to the child.

has limited rights based on the birth parent's express written consent.

The court will order other relief as stated in the above findings and in the final orders to be filed separately.

14. Document Sealing

The declarations and other evidence filed for the fact-finding hearing will (*check one*):

not be sealed.

be sealed. Neither the public nor the parties will have access to these documents unless a court order allows it. (*If this box is checked, also check the "Clerk's action required" box on page 1.*)

Clerk's Action. The court clerk will seal the following documents (*specify*):

15. Other Orders (if any)

Ordered.

Date ▶ _____
Judge or Commissioner

Petitioner and Respondent or their lawyers fill out below.

This order (*check any that apply*):

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

This order (*check any that apply*):

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

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

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

Print Name *Date*

Print Name *Date*