

**Superior Court of Washington
County of:**

In re Parentage:

and

Petitioner,

Respondent

No.

**Petition to Disestablish
Paternity Based on
Presumption
(Optional Use)
(PTDP)**

I. Basis

1.1 Cause of Action

This action affects the paternity of:

_____ [Child's Name], born on _____
[Date], a resident of _____ County, Washington.

_____ [Child's Name], born on _____
[Date], a resident of _____ County, Washington.

This action is brought by petitioner _____ [Name], the [] mother
[] presumed father, to disprove a Presumption of Paternity which arose pursuant to RCW
26.26.116. The Respondent in this action is _____ [Name], the []
[] mother [] presumed father.

This action is brought pursuant to RCW 26.26.116(2) and RCW 26.26.500 through RCW
26.26.630.

1.2 Basis for Presumption of Paternity

The [] petitioner [] respondent is the presumed father of the child because:

[] He and the mother were married to each other at the time of the child's birth.

- He and the mother were married to each other and the marriage ended. The child was born within three hundred days after the marriage ended.
(**Note:** A marriage can end by death or by a court order for dissolution of marriage, legal separation, declaration of invalidity, or annulment.)
- Before the child was born, he and the mother married each other believing it was lawful. The marriage was unlawful or could have been declared unlawful by a court. The child was born during this marriage or was born within three hundred days after this marriage ended.
(**Note:** A marriage can end by death or by a court order for dissolution of marriage, legal separation, declaration of invalidity, or annulment.)
- After the child was born, he and the mother married each other believing it was lawful. He voluntarily asserted he was the child's father and:
- the assertion is in a record filed with the state registrar of vital statistics; or
 - he agreed to be and is named as the child's father on the child's birth certificate; or
 - he promised in a record to support the child as his own; whether or not the marriage was unlawful or could be declared unlawful by a court.

1.3 Basis For Disproving the Presumption of Paternity

I want to disprove the father-child relationship between the presumed father and the child because
 I am not or may not be the respondent is not or may not be the father of the child and:

- The child is under two years of age.
 Or
 The presumed father and the mother neither cohabited nor engaged in sexual intercourse with each other during the probable time of conception; and the presumed father never openly treated the child as his own.

1.4 Jurisdiction Over the Presumed Father

(Check all that apply)

- The presumed father is presently residing in the state of Washington.
- The presumed father was personally served with summons and petition within this state.
- The presumed father submits to jurisdiction of this state by consent as evidenced by joinder or consent to jurisdiction signed by the presumed father.
- The presumed father resided with the child in this state.
- The presumed father resided in this state and provided prenatal expenses or support for the child.
- The child resides in this state as a result of the acts or directives of the presumed father.
- Other:

1.5 Jurisdiction Over the Mother

(Check all that apply)

- The mother is presently residing in the state of Washington.
- The mother was personally served with summons and petition within this state.
- The mother submits to jurisdiction of this state by consent as evidenced by joinder or consent to jurisdiction signed by the mother.
- The mother resided with the child in this state.
- The mother resided in this state and provided prenatal expenses or support for the child.
- The child resides in this state as a result of the acts or directives of the mother.
- Other:

1.6 Guardian Ad Litem

I do do not request that the court appoint a Guardian Ad Litem.

1.7 Genetic Testing

- I request that paternity genetic tests be performed.
- Paternity genetic tests have already been performed.

1.8 Continuing Restraining Order

- Does not apply.
- A continuing restraining order should be entered which restrains or enjoins _____ [Name] from disturbing the peace of _____ [Name].
- A continuing restraining order should be entered which restrains or enjoins _____ [Name] from going onto the grounds of or entering the home, work place or school of _____ [Name] or the day care or school of the child.
- A continuing restraining order should be entered which restrains or enjoins _____ [Name] from knowingly coming within or knowingly remaining within _____ (Distance) of the home, work place or school of _____ [Name] or the day care or school of the child.
Other: _____.
- A continuing restraining order should be entered which restrains or enjoins _____ [Name] from molesting, assaulting, harassing, or stalking _____ [Name]. (If the court orders this relief, the restrained person will be prohibited from possessing a firearm or ammunition under federal law for the duration of the order. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)

1.9 Protection Order

- Does not apply.
- A domestic violence protection order should be entered protecting _____ [Name] from _____ [Name] because _____ [Name] has committed domestic violence as defined by 26.50 RCW against _____ [Name]. (If the court orders this relief, the restrained person will be prohibited from possessing a firearm or ammunition under federal law for the duration of the order. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)

If you need immediate protection, contact the clerk/court for RCW 26.50 Domestic Violence forms.

1.10 Other

II. Relief Requested

The petitioner asks the court to enter an order and judgment that:

- Declares the nonexistence of the parent and child relationship between the presumed father and the child.
- Amends the birth certificate by removing the presumed father as the father of the child.
- Changes the surname of the child to _____ [Surname].
- Makes provision for a domestic violence protection order.
- Makes provision for a continuing restraining order.
- Awards court costs, genetic test costs, guardian ad litem, attorney and other reasonable fees.
- Other:

Dated: _____

Signature of Petitioner or Lawyer/WSBA No.

Print or Type Name

III. Declaration

I declare under penalty of perjury under the laws of the state of Washington that I am the petitioner named above, that I have made the allegations contained in this petition based upon my first hand knowledge, and therefore believe that they are true.

Signed at _____, [City] _____ [State] on _____[Date].

Signature of Petitioner

Print or Type Name

Joinder

I, _____ [Name] join in the petition. I understand that by joining in the petition, a decree or judgment and order may be entered in accordance with the relief requested in the petition, unless prior to the entry of the decree or judgment and order a response is filed and served.

I waive notice of entry of the decree.

I demand notice of all further proceedings in this matter. Further notice should be sent to the following address: [You may list an address that is not your residential address where you agree to accept legal documents.]

Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

Dated: _____

Signature of Joining Party

Print or Type Name