

Superior Court of Washington, County of _____

In re parentage:

Petitioner (person who started this case):

And Respondents:

(parent / presumed parent / alleged parents)

Children over age 2:

No. _____

Motion for Summary Judgment (Parentage)
(MTSMJG)

Motion for Summary Judgment (Parentage)

To both parties:

Deadline! Your papers must be filed and served by the deadline in your county's Local Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms are online at www.courts.wa.gov.

If you want the court to consider your side, you **must**:

- File your original documents with the Superior Court Clerk; AND
- Give the Judge/Commissioner a copy of your papers (if required by your county's Local Court Rules); AND
- Have a copy of your papers served on all other parties or their lawyers; AND
- Go to the hearing.

The court may not allow you to testify at the motion hearing. Read your county's Local Court Rules, if any.

Bring proposed orders to the hearing.

To the person filing this motion:

You must schedule a hearing on this motion. You may use the *Notice of Hearing* (form FL All Family 185) unless your county's Local Court Rules require a different form. Contact the court for scheduling information.

To the person receiving this motion:

If you do not agree with the requests in this motion, file a statement (using form FL All Family 135, *Declaration*) explaining why the court should not approve those requests. You may file other written proof supporting your side.

1. My name is: _____

2. Based on Civil Rule 56 and Chapter 26.26 RCW, I ask the court for summary judgment on the following issues (*check all that apply*):

Parentage

Declare that (*name*): _____ **is** the legal parent of
(*children's names*): _____.

Declare that (*name*): _____ **is not** the legal parent
of (*children's names*): _____.

Change the children's names to: _____.

Order the State Registrar of Vital Statistics to change the children's birth certificates to list the parents as decided by the court and change the children's names if ordered.

Child Support

Order child support, including medical support, for the children based on the parents' income and availability of insurance as listed in the *Child Support Worksheets* and proposed *Child Support Order*.

Order payment of past due child support, medical support, and other expenses as listed in the proposed *Child Support Order*.

Parenting Plan / Residential Schedule

Order that the children will live with (*name*): _____ most of the time. Name this parent custodian for those state and federal laws that require a custodian. Allow either parent to ask the court for a *Parenting Plan* or *Residential Schedule* in the future.

Approve the *Parenting Plan* or *Residential Schedule* proposed by (*name*): _____.

Fees

Order a money judgment for fees and costs as follows:

Judgment for	Debtor's name (<i>person who must pay money</i>)	Creditor's name (<i>person who must be paid</i>)	Amount	Interest
<input type="checkbox"/> Genetic testing costs			\$	\$
<input type="checkbox"/> Guardian ad litem fees			\$	\$
<input type="checkbox"/> Lawyer fees			\$	\$
<input type="checkbox"/> Court costs			\$	\$
<input type="checkbox"/> Other fees and expenses (<i>specify</i>):			\$	\$

Other (*specify*):

3. The following facts are **undisputed** and support this motion (*check all that apply*):

Parentage

The birth mother, (*name*): _____, had sex with (*name*): _____ around the time (*child's name*) _____ was conceived, and that sex produced this child.

The child was born under a valid surrogate parentage contract.

Alleged Parent Tested – Genetic paternity testing was done with a possible father (*name*): _____.

The testing was done by (*check one*):

- court order.
- agreement of the Alleged Parent, Birth Mother and any Presumed, Acknowledged, or Adjudicated Parent.
- the alleged parent without a court order or agreement. The children have no Presumed, Acknowledged, or Adjudicated Parents.

The test results (*check one*):

- show a 99% or greater probability that this Alleged Parent **is** the biological parent of (*children's names*): _____.
- exclude** this Alleged Parent is as a biological parent of (*children's names*): _____.

A declaration or affidavit from the genetic testing expert (*name*): _____ and dated _____, is filed separately and supports this motion.

Presumed Parent Tested – Genetic paternity testing was done with the Presumed Parent (*name*): _____.

The testing was done by (*check one*):

- court order
- agreement of the Birth Mother and Presumed Parent.

The test results (*check one*):

- show a 99% or greater probability that the Presumed Parent **is** the biological parent of (*children's names*): _____.
- exclude** the Presumed Parent as a biological parent of (*children's names*): _____.

A declaration or affidavit from the genetic testing expert (*name*): _____ and dated _____, is filed separately and supports this motion.

Genetic Testing Not Necessary – Genetic testing is not necessary to decide parentage. (*Name*): _____ should be declared the legal parent of (*children's names*): _____ because s/he is a/n (*check all that apply*):

- acknowledged parent (parent who signed a *Paternity Acknowledgment*).

- parent by admission (someone who admitted s/he was a parent in his/her court papers or in a hearing under penalty of perjury).
- adoptive parent.
- parent by assisted reproduction.
- parent according to a surrogacy contract.
- presumed parent and the parties agree it is not in the children's best interest to do genetic testing. This person is a presumed parent because (*check one*):
 - Marriage/Domestic Partner Presumption – (*Name*): _____ was presumed by law to be a parent when this case started because of a marriage or domestic partnership.
 - Holding Out Presumption – (*Name*): _____ is a presumed parent of (*children's names*): _____ because s/he lived in the same home as these children and openly held them out as his/her own children for the first 2 years of their lives.

Child Support

- The proposed *Child Support Order* and *Worksheets* are undisputed.

Parenting Plan / Residential Schedule

- The children live with (*name*): _____ most of the time.
- The proposed *Parenting Plan* or *Residential Schedule* is undisputed.

Children's name change

- A request to change the children's names is undisputed.

Fees

- The fees and costs requested in section **2** above are undisputed.

Other

- Other **undisputed** facts (*specify*): _____
- _____
- _____
- _____
- _____

4. The following issues are or may be **in dispute** (*check all that apply*):

- | | |
|---|--|
| <input type="checkbox"/> Current Child Support | <input type="checkbox"/> Who the children live with most of the time |
| <input type="checkbox"/> Back Child Support | <input type="checkbox"/> Parenting Plan / Residential Schedule |
| <input type="checkbox"/> Medical Support | <input type="checkbox"/> Children's name change |
| <input type="checkbox"/> Who should pay fees or costs | <input type="checkbox"/> Other (<i>specify</i>): _____ |

