

Superior Court of Washington, County of _____

In re parentage:

Petitioner (person who started this case):

And Respondents:

(parent / presumed parent / alleged parent

No. _____

Motion for Summary Judgment (Parentage)
(MTSMJG)

Motion for Summary Judgment (Parentage)

To all 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.

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 Chapters 26.26A and 26.26B RCW, I ask the court for summary judgment on the following issues (*check all that apply*):

Parentage

- ☐ Declare that (*name*): _____ **is** a legal parent of
(*child's name*): _____.
- ☐ Declare that (*name*): _____ **is not** a parent of
(*child's name*): _____.
- ☐ Change the child's name to: _____.

Order the state registrar of vital statistics to amend the child's birth certificate and any other birth record to list the parents as decided by the court and change the child's name if ordered.

Child Support

The child has a right to current and future support, including medical support, from the legal parents according to state law.

- ☐ The court should **not** order child support now, including medical support, because:
(*check one*):
- ☐ all parents are living together with the child
- ☐ there is already an administrative order set by the Division of Child Support.
- ☐ The court should stop (*name's*) _____ child support obligation,
because they are not a legal parent.
- ☐ The court should order payment of past child support, medical support, and other
expenses as listed in the proposed *Summary Judgment Order (Parentage)*.

Past due support, fees and costs

- ☐ Order a money judgment for past due support, 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"/> Past due child support from _____ to _____			\$	\$
<input type="checkbox"/> Past due medical support from _____ to _____			\$	\$
<input type="checkbox"/> Genetic testing costs			\$	\$
<input type="checkbox"/> Guardian ad litem fees			\$	\$
<input type="checkbox"/> Lawyer fees			\$	\$
<input type="checkbox"/> Fees and costs			\$	\$
<input type="checkbox"/> Other amounts (<i>describe</i>):			\$	\$

Parenting Plan

- ☐ The court should **not** order a *Parenting Plan* now because all parents are living together with the child.
- ☐ Order that the child will live with *(name)*: _____ most of the time. This parent is named custodian for those state and federal laws that require a custodian. Allow either parent to ask the court for a *Parenting Plan* in the future.
- ☐ Approve the *Parenting Plan* proposed by *(name)*: _____.

Other Issues (if any) (specify):

- ☐ _____

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

Parentage

- ☐ The birth parent, *(name)*: _____, had sex with *(name)*: _____ around the time *(child's name)* _____ was conceived, and that sex produced this child.
- ☐ **Genetic Testing** – Genetic testing was done for *(name)*: _____.
The test results (*check one*):
- ☐ show a 99% or greater probability that this Alleged Genetic Parent **is** the biological parent of *(child's name)*: _____.
 - ☐ **exclude** this Alleged Genetic Parent is as a biological parent of *(child's name)*: _____.

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 *(child's name)*: _____ because s/he is a/n (*check all that apply*):
- ☐ Acknowledged parent (parent who signed an *Acknowledgment of Parentage* that was filed with the state registrar of vital statistics).
 - ☐ 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.
 - ☐ 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 (child's name): _____ because s/he lived in the same home as this child and openly held them out as his/her own child for the first 4 years of the child's life.

Child Support

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

Parenting Plan

☐ All parents are living together with the child.

☐ The children live with (name): _____ most of the time.

☐ The proposed *Parenting Plan* 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 child lives with most of the time
<input type="checkbox"/> Past Child Support	<input type="checkbox"/> Parenting Plan
<input type="checkbox"/> Medical Support	<input type="checkbox"/> Child's name change
<input type="checkbox"/> Who should pay fees or costs	<input type="checkbox"/> Other (specify): _____

5. This motion is based on the case record to date, including the following documents (copies of any new documents checked below must be served with this motion):

☐ *Petition to Decide Parentage*
☐ *Response/s to Petition to Decide Parentage* filed by (name/s): _____
☐ *Declaration/s about Genetic Parentage* filed by (name/s): _____
☐ Guardian ad litem report
☐ *Chain of Custody Declaration*
☐ Declaration or affidavit of genetic testing expert (name): _____
☐ *Financial Declaration* of (name): _____
☐ *Child Support Worksheets* proposed by (name): _____

- ☐ *Child Support Order* proposed by (name): _____
- ☐ *Parenting Plan* proposed by (name): _____
- ☐ Other (specify): _____

Person making this motion or his/her lawyer 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): _____



Sign here (if lawyer, also list WSBA #) *Print name* *Date*

I agree to accept legal papers for this case at (check one):

- ☐ Lawyer's address:

Lawyer's address *city* *state* *zip*

Email (if applicable): _____

- ☐ the following address (*this does **not** have to be your home address*):

Street address or PO box *city* *state* *zip*

Note: You and the other party/ies may agree to accept legal papers by email under Civil Rule 5 and local court rules.

(If this address changes before the case ends, you **must** notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information Form (FL All Family 001).)