

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. \_\_\_\_\_

Petition to Decide Parentage  
(PTDTP)

## Petition to Decide Parentage

Do **not** use this form if:

- A judge has already decided who the legal parents are, or
- The parents signed a Paternity Acknowledgment that was filed with the appropriate state agency. (The Acknowledgment is usually signed by the parents at the hospital.)

### 1. This Petition asks the court to decide who are the legal parent/s of:

Child's name (first, middle, last)	Born (month/day/year)	Lives in (county and state)

**Important!** Don't list more than one child unless they have all the same parents or possible parents. If they have or may have different parents, fill out a separate Petition for each child.

**2. Parties to this case**

	The Petitioner (name): _____ is the	The Respondent (name): _____ is the	The Respondent (name): _____ is the
State of Washington	<input type="checkbox"/>		
Birth mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alleged parent (person who may be a genetic parent)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Presumed parent (see section 5 below)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adoptive parent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parent by assisted reproduction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parent according to a surrogacy contract	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other Respondents (name and describe): \_\_\_\_\_

**Important!** If any of the children are age 2 or older and have a presumed parent, they must be parties to this case.

**3. Guardian ad Litem**

I ask the court to appoint a Guardian ad Litem (GAL) for any child who is age 2 or older and has a presumed parent.

I ask the court to appoint a GAL for the children to investigate and make recommendations to the court about whether genetic testing should be done.

**4. Sexual assault**

Does not apply.

Petitioner alleges that (children's names): \_\_\_\_\_ were born as a result of a sexual assault by (name): \_\_\_\_\_. See the *Sexual Assault Allegation*, filed separately.

**Important!** File and serve the *Sexual Assault Allegation (FL Parentage 365)* together with this Petition.

**5. Is there a presumed parent?**

(A presumed parent is the legal parent of a child unless a court decides otherwise.)

**No**, there is **no presumed parent** because the birth mother was not married or in a registered domestic partnership when (children's names): \_\_\_\_\_ were born, or within the 300 days before these children were born.

**Yes**, there **is a presumed parent**. (Name): \_\_\_\_\_ is the presumed parent of (children's names): \_\_\_\_\_ because (check all that apply): \_\_\_\_\_

- This person and the birth mother were married or in a registered domestic partnership when these children were born, or within the 300 days before these children were born.
- This person and the birth mother *believed* they were in a *valid* marriage or registered domestic partnership when these children were born or within the 300 days before these children were born, even though the marriage or partnership was (or could have been) invalidated by a court.
- After* these children were born, this person and the birth mother married or became registered domestic partners (or believed their marriage or partnership was valid, even if it was or could have been invalidated). This person willingly said s/he was these children's parent and (*check at least one*):
  - promised in a written or electronic record to support these children as his/her own. See RCW 26.26.011(23).
  - agreed to be and is listed as the parent on these children's birth certificates.
  - filed a statement claiming s/he was these children's parent with the Registrar of Vital Statistics.
- This person lived in the same home as these children and openly held out these children as his/her own child for the first 2 years of the children's lives.
- Check here if there is *another* presumed parent. Give that person's name, and identify which of the reasons listed above applies to that person:

(Name): \_\_\_\_\_

(Reason): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**6. Should the presumed parent continue to be a legal parent?**

- Does not apply. There is no presumed parent.
- See the requests listed in the *Sexual Assault Allegation*, form FL Parentage 365, filed separately.
- No**, the presumed parent (*name*): \_\_\_\_\_ should not be a legal parent of (*children's names*): \_\_\_\_\_. if **genetic testing** shows that someone else is the biological parent.

RCW 26.26.530 sets a time limit for starting a parentage case for a child who has a presumed parent. I am starting this case within the time limit because (*check all that apply*):

- I am filing or serving this *Petition* on or before each child's 4<sup>th</sup> birthday.
- The presumed parent:
  - did not live with and did not have sex with the birth mother when the children were likely conceived, and
  - did not openly hold out these children as his/her own children.

**Yes**, the presumed parent (*name*): \_\_\_\_\_ should be confirmed as a legal parent of (*children's names*): \_\_\_\_\_.  
RCW 26.26.530 sets a time limit for starting a parentage case for a child who has a presumed parent. I am starting this case within the time limit because I am filing or serving this *Petition* on or before each child's 4<sup>th</sup> birthday.

Other (*specify*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 7. Children's name change

No request.

I ask the court to change the children's names to: \_\_\_\_\_  
\_\_\_\_\_

## 8. Personal Jurisdiction

Does a Washington state court have personal jurisdiction (authority to make decisions) over (**Respondent's name**): \_\_\_\_\_?

**Yes**, because s/he (*check all that apply*):

will be personally served in this state with a *Summons* and *Petition* for this case.

lives in this state now.

lived in this state with the children.

lived in this state and paid for pregnancy costs or support for the children.

did or said something that caused the children to live in this state.

had sex in this state, which may have produced the children.

signed an agreement to join this *Petition* or other document agreeing that the court can decide his or her rights in this case.

other (*specify*): \_\_\_\_\_

**No**. (None of the reasons listed above apply.)

Does a Washington state court have personal jurisdiction (authority to make decisions) over (**Other Respondent's name**): \_\_\_\_\_?

**Yes**, because s/he (*check all that apply*):

will be personally served in this state with a *Summons* and *Petition* for this case.

lives in this state now.

lived in this state with the children.

lived in this state and paid for pregnancy costs or support for the children.

did or said something that caused the children to live in this state.

had sex in this state, which may have produced the children.

signed an agreement to join this *Petition* or other document agreeing that the court can decide his or her rights in this case.

other (*specify*): \_\_\_\_\_

**No.** (None of the reasons listed above apply.)

Check here if there are **more Respondents**. Give those people's names, say whether or not the court has personal jurisdiction over each person, and why:

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**9. Jurisdiction over the children** (RCW 26.27.201 – .221, .231, .261, .271)

The court **can** decide a *Parenting Plan* or *Residential Schedule* for the children and decide who the children should live with most of the time because (*check all that apply; if a box applies to all of the children, you may write "the children" instead of listing names*):

**Exclusive, continuing jurisdiction** – A Washington court has already made a custody order or parenting plan for the children, and the court still has authority to make other orders for (*children's names*): \_\_\_\_\_.

**Home state jurisdiction** – Washington is the children's home state because (*check all that apply*):

(*Children's names*): \_\_\_\_\_ lived in Washington with a parent or someone acting as a parent for at least the 6 months just before this case was filed, or if the children are less than 6 months old, they have lived in Washington with a parent or someone acting as a parent since birth.

There were times the children were not in Washington in the 6 months just before this case was filed (or since birth if they are less than 6 months old), but those were temporary absences.

(*Children's names*): \_\_\_\_\_ do not live in Washington right now, but Washington was the children's home state some time in the 6 months just before this case was filed, and a parent or someone acting as a parent of the children still lives in Washington.

(*Children's names*): \_\_\_\_\_ do not have another home state.

**No home state or home state declined** – No court of any other state (or tribe) has the jurisdiction to make decisions for (*children's names*): \_\_\_\_\_, **or** a court in the children's home state (or tribe) decided it is better to have this case in Washington **and**:

- The children and a parent or someone acting as a parent have ties to Washington beyond just living here; **and**
- There is a lot of information (substantial evidence) about the children's care, protection, education and relationships in this state.

**Other state declined** – The courts in other states (or tribes) that might be (*children's names*): \_\_\_\_\_'s home state have refused to take this case because it is better to have this case in Washington.

**Temporary emergency jurisdiction** – The court can make decisions for (*children's names*): \_\_\_\_\_ because the children are in

this state now **and** were abandoned here **or** need emergency protection because the children (or the children's parent, brother or sister) were abused or threatened with abuse. (Check one):

- A custody case involving the children was filed in the children's home state (name of state or tribe): \_\_\_\_\_. Washington should take temporary emergency jurisdiction over the children until the Petitioner can get a court order from the children's home state (or tribe).
- There is **no** valid custody order or open custody case in the children's home state (name of state or tribe): \_\_\_\_\_. If no case is filed in the children's home state (or tribe) by the time the children have been in Washington for 6 months, (date): \_\_\_\_\_, Washington should have final jurisdiction over the children.
- Other reason (specify): \_\_\_\_\_
- The court **cannot** decide a *Parenting Plan* or *Residential Schedule* for the children or decide who the children should live with most of the time because the court does not have jurisdiction over the children.

## 10. Parenting Plan or Residential Schedule

It is in the children's best interests for the court to decide with whom the children will live, if the court has jurisdiction over the children.

The children currently live with (name/s): \_\_\_\_\_

- I will file and serve my proposed *Parenting Plan* (form FL All Family 140) or *Residential Schedule* (FL Parentage 304) with this *Petition* or in the future.
- The court should approve a *Parenting Plan* or *Residential Schedule* as proposed by the parents or as the court finds to be in the children's best interests.
- I am not asking the court for a *Parenting Plan* or *Residential Schedule*.

**Warning!** If the court has jurisdiction over the children, the court will decide who the children's custodian will be even if neither parent asks for a *Parenting Plan* or *Residential Schedule*. The decision about custodian will affect both parents' rights.

## 11. Child Support

The children have a right to child support (including medical support) from the legal parents according to state law.

## 12. Past support and repayment of specific expenses

- No request.
- Past Support – The state of Washington or (name): \_\_\_\_\_ has provided support to the children and has the right to receive up to five years of past child support according to the Washington State Child Support Schedule.
- Specific Expenses – The state of Washington or (name): \_\_\_\_\_ has incurred expenses for the mother's pregnancy and childbirth or provided other services to the children and has the right to be repaid (check one):
  - (amount): \$ \_\_\_\_\_.
  - an amount to be proven later.

### 13. Protection Order

Do you want the court to issue an Order for Protection as part of the final orders in this case?

- No.** I do not want an Order for Protection.
- Yes.** (You must file a Petition for Order for Protection, form DV-1.015 for domestic violence, or form UHST-02.0200 for harassment. You may file your Petition for Order for Protection using the same case number assigned to this case.)

**Important!** If you need protection **now**, ask the court clerk about getting a Temporary Order for Protection.

- There already is an Order for Protection between (name): \_\_\_\_\_ and me.** (Describe): \_\_\_\_\_
- Court that issued the order: \_\_\_\_\_
- Case number: \_\_\_\_\_
- Expiration date: \_\_\_\_\_

### 14. Restraining Order

Do you want the court to issue a Restraining Order as part of the final orders in this case?

- No.** (Skip to **15**.)
- Yes.** Check the type of orders you want:
- Do not disturb** – Order (name/s) \_\_\_\_\_ not to disturb my peace or the peace of any child listed in **1**.
- Stay away** – Order (name/s) \_\_\_\_\_ not to go onto the grounds of or enter my home, workplace, or school, and the daycare or school of any child listed in **1**.
- Also, not knowingly to go or stay within \_\_\_\_\_ feet of my home, workplace, or school, or the daycare or school of any child listed in **1**.
- Do not hurt or threaten** – Order (name/s) \_\_\_\_\_:
- Not to assault, harass, stalk or molest me or any child listed in **1**; and
  - Not to use, try to use, or threaten to use physical force against me or the children that would reasonably be expected to cause bodily injury.

**Warning!** If the court makes this order, the court must consider if weapons restrictions are required by state law; federal law may also prohibit the Restrained Person from possessing firearms or ammunition.

- Prohibit weapons and order surrender** – Order (name/s) \_\_\_\_\_:
- Not to possess or obtain any firearms, other dangerous weapons, or concealed pistol license until the Order ends, and
  - To surrender any firearms, other dangerous weapons, and any concealed pistol license that he/she possesses to (check one):  the police chief or sheriff.  his/her lawyer.  other person (name): \_\_\_\_\_.
- Other restraining orders:** \_\_\_\_\_

**Important!** If you want a restraining order **now**, you must file a Motion for Temporary Family Law Order and Restraining Order (form FL Parentage 323) or a Motion for Immediate Restraining Order (Ex Parte) (form FL Parentage 321).

**15. Other (if any)**

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**16. Summary of requests**

I ask the court to (*check all that apply*):

**Parentage**

- Order genetic testing of all possible genetic parents listed in this *Petition* and decide who the legal parents are based on the results.
- Order that (*name*): \_\_\_\_\_ **is** the legal parent of (*children's names*): \_\_\_\_\_.
- Order that (*name*): \_\_\_\_\_ **is not** the legal parent of (*children's names*): \_\_\_\_\_.

Change the children's birth certificates to list the parents as requested above and to change the children's names if requested above.

**Sexual Assault**

- See the requests listed in the *Sexual Assault Allegation* (FL Parentage 365) filed separately.

**Parenting Plan / Residential Schedule**

- Approve my proposed *Parenting Plan* or *Residential Schedule*
- If no one proposes a *Parenting Plan* or *Residential Schedule*, order that the children will continue to live with the parent they live with now.

**Child Support**

- Approve a *Child Support Order*
- Order (*name*): \_\_\_\_\_ to pay past child support, medical support, and other expenses for the children.

**Protection / Restraining Order**

- Approve an *Order for Protection*
- Approve a *Restraining Order*

**Fees and costs**

- Order who should pay for court costs, genetic testing, guardian ad litem, lawyer fees, and other reasonable fees.

**Other**

- Other (*specify*): \_\_\_\_\_

**Petitioner 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): \_\_\_\_\_ Date: \_\_\_\_\_

▶ \_\_\_\_\_  
Petitioner signs here Print name

**Petitioner’s lawyer (if any) fills out below:**

▶ \_\_\_\_\_  
Petitioner’s lawyer signs here Print name and WSBA No. Date

**Respondent fills out below if s/he agrees to join this Petition:**

I, (name): \_\_\_\_\_, agree to join this *Petition*. I understand that if I fill out and sign below, the court may approve the requests listed in this *Petition* unless I file and serve a *Response* before the court signs final orders. (Check one):

- I do not need to be notified about the court’s hearings or decisions in this case.
- I ask the Petitioner to notify me about any hearings in this case. (List an address where you agree to accept legal documents. This may be a lawyer’s address or any other address.)

\_\_\_\_\_ address city state zip

(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).)

▶ \_\_\_\_\_  
Respondent signs here Print name Date

**Other Respondent fills out below if s/he agrees to join this Petition:**

I, (name): \_\_\_\_\_, agree to join this *Petition*. I understand that if I fill out and sign below, the court may approve the requests listed in this *Petition* unless I file and serve a *Response* before the court signs final orders. (Check one):

- I do not need to be notified about the court’s hearings or decisions in this case.
- I ask the Petitioner to notify me about any hearings in this case. (List an address where you agree to accept legal documents. This may be a lawyer’s address or any other address.)

\_\_\_\_\_ address city state zip

(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).)

▶ \_\_\_\_\_  
Other Respondent signs here Print name Date