

Superior Court of Washington, County of _____

In re parentage:

Petitioner (person who started this case):

And Respondents

(other people who signed the Acknowledgment or Denial; other alleged parents (if any)):

Children over age 2:

No. _____

Petition to Challenge Paternity
Acknowledgment and/or Denial of Paternity
(PTCP)

**Petition to Challenge Paternity Acknowledgment
and/or Denial of Paternity**

1. I ask the court to invalidate the:

Paternity Acknowledgment

Denial of Paternity

that I signed about (child's name): _____,

who was born on (date): _____.

I also ask the court to decide who the child's legal parents are.

I am filing a copy of the *Paternity Acknowledgment* and/or *Denial of Paternity* with this *Petition* under a sealed cover sheet (form FL Parentage 329).

Important! If a *Paternity Acknowledgment* is invalidated, any related *Denial of Paternity* is cancelled.
If a *Denial of Paternity* is invalidated, the related *Paternity Acknowledgment* is cancelled.

- Alleged Parent** – (*Respondent's name*): _____
 is an Alleged Parent. S/he did not sign a *Paternity Acknowledgment or Denial*.
- A Washington state court has personal jurisdiction (authority to make decisions) over this person 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 child.
 - lived in this state and paid for pregnancy costs or support for the child.
 - did or said something that caused the child to live in this state.
 - had sex in this state, which may have produced the child.
 - 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*): _____
- A Washington state court does **not** have personal jurisdiction (authority to make decisions) over this person.

5. Effective Date

The *Paternity Acknowledgment* (and *Denial*, if any) became effective on (*date*): _____. This is either the date the child was born, or the date the *Paternity Acknowledgment* (and *Denial*, if any) was filed with the Washington State Registrar of Vital Statistics, whichever happened later.

6. Challenge Deadline

Warning! If it has been more than four years from the Effective Date listed above, it is **too late** to file this *Petition*. If it has been less than 60 days, or if you are still under 19 and signed as a minor, you must file a *Petition to Withdraw (Rescind) the Paternity Acknowledgment or Denial* instead of this *Petition*.

I am starting this case before the deadline to challenge the *Paternity Acknowledgment* or *Denial*. I am filing or serving this *Petition*:

- more than 60 days after the Effective Date listed above;
- after any person who signed the *Acknowledgment* or *Denial* turned 19, if s/he was under 18 when s/he signed; and
- less than four years after the Effective Date listed above.

7. Reason/s for Challenge

The *Paternity Acknowledgment* or *Denial* was signed because of (*check all that apply*):

- fraud. duress (pressure or force). material mistake of fact.

(*Describe the fraud, duress, or mistake*): _____

8. 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.

9. Genetic Tests

- I ask the court to order genetic paternity testing and to appoint a Guardian ad Litem (GAL) for the child to represent his/her interests.
- I am **not** asking the court to order genetic paternity testing.
- Genetic paternity testing has already been done with the agreement of the birth mother, Acknowledged Father and Presumed Parent (if any). The test results show *(describe)*: _____.

10. Child's name change

- No request.
- I ask the court to change the child's name to: _____.

11. Child's Home/s

During the past 5 years has the child lived:

- on an Indian reservation,
- outside Washington state,
- in a foreign country, or
- with anyone who is not a party to this case?

- No.** *(Skip to 12.)* **I don't know.** *(Skip to 12.)*
- Yes.** *(Fill out below to show where the child has lived during the last 5 years.)*

Dates	Lived with	In which state, Indian reservation, or foreign country
From: To:	<input type="checkbox"/> Petitioner <input type="checkbox"/> Resp. <i>(name/s)</i> : <input type="checkbox"/> Other <i>(name)</i> :	
From: To:	<input type="checkbox"/> Petitioner <input type="checkbox"/> Resp. <i>(name/s)</i> : <input type="checkbox"/> Other <i>(name)</i> :	
From: To:	<input type="checkbox"/> Petitioner <input type="checkbox"/> Resp. <i>(name/s)</i> : <input type="checkbox"/> Other <i>(name)</i> :	

Dates	Lived with	In which state, Indian reservation, or foreign country
From:	<input type="checkbox"/> Petitioner	
To:	<input type="checkbox"/> Resp. (name/s): <input type="checkbox"/> Other (name):	
From:	<input type="checkbox"/> Petitioner	
To:	<input type="checkbox"/> Resp. (name/s): <input type="checkbox"/> Other (name):	

12. Other people with a legal right to spend time with this child

Do you know of anyone besides the Respondents who has or claims to have a legal right to spend time with this child? (Check one):

- No. I don't know.
- Yes. (Name/s): _____ has or claims to have a legal right to spend time with this child.

13. Other court cases involving this child

Do you know of any other court cases involving this child? (Check one):

- No. (Skip to **14**.) I don't know. (Skip to **14**.) Yes. (Fill out below.)

Kind of case (Family Law, Criminal, Protection Order, Juvenile, Dependency, Other)	County and State	Case number and year

14. Jurisdiction over this child (RCW 26.27.201 – .221, .231, .261, .271)

- Does not apply. I am not asking the court for a *Parenting Plan* or *Residential Schedule* for the child or to decide who the child should live with most of the time.
- The court **cannot** approve a *Parenting Plan* or *Residential Schedule* for the child or decide who the child should live with most of the time because the court does not have jurisdiction over the child.
- The court **can** approve a *Parenting Plan* or *Residential Schedule* for the child and decide who the child should live with most of the time because (check all that apply):

- Exclusive, continuing jurisdiction** – A Washington court has already made a custody order or parenting plan for the child, and the court still has authority to make other orders for the child.
- Home state jurisdiction** – Washington is the child’s home state because *(check all that apply)*:
- The child 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 child is less than 6 months old, s/he has lived in Washington with a parent or someone acting as a parent since birth.
 - There were times the child was not in Washington in the 6 months just before this case was filed (or since birth if s/he is less than 6 months old), but those were temporary absences.
 - The child does not live in Washington right now, but Washington was the child’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 child still lives in Washington.
 - The child does 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 the child, **or** a court in the child’s home state (or tribe) decided it is better to have this case in Washington **and**:
- The child 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 child’s care, protection, education and relationships in this state.
- Other state declined** – The courts in other states (or tribes) that might be the child’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 the child because the child is in this state now **and** were abandoned here **or** need emergency protection because the child (or the child’s parent, brother or sister) were abused or threatened with abuse. *(Check one)*:
- A custody case involving the child was filed in the child’s home state *(name of state or tribe)*: _____. Washington should take temporary emergency jurisdiction over the child until the Petitioner can get a court order from the child’s home state (or tribe).
 - There is **no** valid custody order or open custody case in the child’s home state *(name of state or tribe)*: _____. If no case is filed *in the child’s home state (or tribe)* by the time the child has been in Washington for 6 months, *(date)*: _____, Washington should have final jurisdiction over the child.
- Other reason *(specify)*: _____

15. Parenting Plan or Residential Schedule

- No request.
- I ask the court to approve my proposed *Parenting Plan* (FL All Family 140) or *Residential Schedule* (FL Parentage 304).

16. Child Support

- No request.
- I ask the court to end (*name's*): _____ obligation to pay child support for this child. (*To suspend child support before this case is finished, a party must file a motion and show good cause.*)
- I ask the court to order child support (including medical support) according to state law from the legal parents.

17. 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: _____

18. Restraining Order

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

- No.** (*Skip to 19.*)
- 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).

19. Summary of Requests

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

Acknowledgment / Denial of Paternity

- Invalidate the *Paternity Acknowledgment* (and cancel any related *Denial of Paternity*).
- Invalidate the *Denial of Paternity* (and cancel the related *Paternity Acknowledgment*).

Decide Parentage

- Order genetic testing of all possible parents listed in this *Petition* and decide who the legal parents are based on the results.
- Declare that (*name*): _____ **is** the legal parent of this child.
- Declare that (*name*): _____ **is not** the legal parent of this child and owes no further duty of support to the child or to any person or state on behalf of the child.

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*.

Child Support

- End (*name's*): _____ obligation to pay child support for the child.
- Approve a *Child Support Order*

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 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*