

Superior Court of Washington, County of _____

In re parentage:

Petitioner *(person who started this case)*:

And Respondent/s:

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

Child over age 2:

No. _____

Findings and Conclusions on Petition to
Challenge Paternity Acknowledgment
or Denial
(FNFLC)

Findings and Conclusions on Petition to Challenge Paternity Acknowledgment or Denial

1. Basis for findings and conclusions *(check all that apply)*:

- ☐ Parties' agreement
- ☐ Default order *(date)*: _____
- ☐ Order after Sexual Assault Fact-Finding Hearing on *(date)*: _____
- ☐ Trial for this case on *(date)*: _____, with the following people present
(check all that apply):
- | | |
|--|---|
| <input type="checkbox"/> Birth Mother <i>(name)</i> : _____ | <input type="checkbox"/> This person's lawyer |
| <input type="checkbox"/> Legal Guardian <i>(name)</i> : _____ | <input type="checkbox"/> This person's lawyer |
| <input type="checkbox"/> Acknowledged Father <i>(name)</i> : _____ | <input type="checkbox"/> This person's lawyer |
| <input type="checkbox"/> Presumed Parent <i>(name)</i> : _____ | <input type="checkbox"/> This person's lawyer |
| <input type="checkbox"/> Alleged Parent <i>(name)</i> : _____ | <input type="checkbox"/> This person's lawyer |
| <input type="checkbox"/> Guardian ad Litem for the child <i>(name)</i> : _____ | |
| <input type="checkbox"/> Other <i>(name and relationship to this case)</i> : _____ | |

☐ Other (name and relationship to this case): _____

➤ **The Court makes the following findings of fact and conclusions of law:**

2. Notice and Personal Jurisdiction

All people with a right to receive notice of this case were served with the *Summons* and *Petition*. ☐ except (name/s): _____.

The court can decide this case for the **Birth Mother, Acknowledged Father and Presumed Parent** (if any) because they each agreed to personal jurisdiction in Washington by signing a *Paternity Acknowledgment* or *Denial of Paternity* that was filed with the State Registrar of Vital Statistics.

☐ **Alleged Parent** (if any) – (Respondent's name): _____
is an Alleged Parent. S/he did not sign a *Paternity Acknowledgment* or *Denial*.

☐ The court has person jurisdiction (authority to make decisions) over this person because s/he (check all that apply):

☐ was personally served in this state.

☐ 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): _____

☐ The court does **not** have personal jurisdiction (authority to make decisions) over this person.

☐ Other (specify): _____

Conclusion: The court has personal jurisdiction over all parties to this case.

☐ except (name/s): _____

3. Child

This case is about a *Paternity Acknowledgment* (and *Denial*, if any) for the following child:

Child's name	Birth date (month / day / year)

The *Acknowledgment* (and *Denial*, if any) was filed with the Washington State Registrar of Vital Statistics on (date): _____.

4. Effective Date

The court concludes that 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.

5. Challenge Deadline

This case was started on (date): _____. This is the date the *Petition* was either filed or served, whichever happened first.

This case was started (check one):

- ☐ **before** the deadline for challenging the *Paternity Acknowledgment* (and *Denial*, if any) because the *Petition* was filed or served (check one):
- 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.

Conclusion: The court should decide this case.

- ☐ **after** the deadline for challenging the *Paternity Acknowledgment* (and *Denial*, if any) because the *Petition* was filed or served more than four years after the Effective Date listed above.

Conclusion: The court should deny the *Petition*. (Skip to section **17**.)

- ☐ **too soon.** This case was started before the time for filing a *Petition to Withdraw (Rescind) the Acknowledgment or Denial* had ended. The *Petition* was filed or served (check all that apply):

☐ less than 60 days after the Effective Date listed above.

☐ before (name): _____ turned 19.
This person was under 18 when s/he signed the *Acknowledgment* or *Denial*.

Conclusion: The court should (check one):

☐ deny the *Petition*. (Skip to section **17**.)

☐ other (specify): _____

6. Reason/s for Challenge

The Petitioner claimed the *Paternity Acknowledgment* or *Denial* was signed because of fraud, duress (pressure or force), or material mistake of fact.

Conclusion: The *Acknowledgment* and *Denial*, if any, should be declared (check one):

☐ **Invalid.** The Petitioner proved that the (check all that apply):

☐ *Paternity Acknowledgment*

☐ *Denial of Paternity*

was signed because of: (check all that apply):

☐ fraud.

☐ duress (pressure or force).

☐ material mistake of fact.

- ☐ **Valid.** The Petitioner did **not** prove that the *Paternity Acknowledgment* or *Denial of Paternity* was signed because of fraud, duress (pressure or force), or material mistake of fact.

The court makes this conclusion based on the following facts (check all that apply):

☐ the genetic test results described below.

☐ other evidence (describe): _____

7. Allegation of Parentage Resulting From Sexual Assault

☐ There **was no** allegation of sexual assault resulting in the birth of a child.

☐ There **was** an allegation of sexual assault resulting in the birth of a child.

See the *Order after Sexual Assault Fact-Finding Hearing* signed by the court on (date): _____. The Findings and Conclusions from that order are made a part of this order. The court has determined that the sexual assault allegation was:

☐ **proved.**

☐ **not proved.**

8. Guardian ad Litem

☐ Does not apply.

☐ The Court appointed (name): _____ Guardian ad Litem (GAL) for the child.

The court has considered the report and recommendations of the GAL.

☐ Other (specify): _____

9. Genetic Testing Admitted

☐ Does not apply. Either genetic testing was not done, or the results were not admitted. (Skip to **10**.)

☐ Genetic paternity testing was done and the results were admitted as evidence. The testing was done by (check one): ☐ court order ☐ agreement of the Birth Mother, Acknowledged Father and Presumed Parent (if any).

Who was tested? (check all that apply):

☐ **Acknowledged Father** – The person who signed the *Paternity Acknowledgment*, (name): _____. The test results (Check one):

☐ show a 99% or greater probability that the Acknowledged Father **is** the child's biological parent.

☐ exclude the Acknowledged Father as a biological parent.

☐ **Presumed Parent** – The person who signed the *Denial of Paternity*, (name): _____. The test results (Check one):

☐ show a 99% or greater probability that the Presumed Parent **is** the child's biological parent.

☐ exclude the Presumed Parent as a biological parent.

- ☐ **Alleged Parent** – A possible father who did not sign a *Paternity Acknowledgment* or *Denial*, (name): _____. The test results (Check one):
- ☐ show a 99% or greater probability that the Alleged Parent **is** the child's biological parent.
- ☐ exclude the Alleged Parent as a biological parent.
- ☐ **Test Results Challenged** – The test results for (name): _____ were challenged by (name): _____. The court concludes that the challenged test results (check one): ☐ **are** ☐ **are not** valid because (specify): _____
- ☐ **Other** (specify): _____

Conclusion: (Check one):

- ☐ The court should decide parentage according to the genetic test results described above.
- ☐ The court should **not** decide parentage according to the genetic test results described above because the court found the test results are invalid.
- ☐ The court should **not** decide parentage according to the genetic test results described above based on the *Order after Sexual Assault Fact-Finding hearing*.

10. Genetic Testing Not Admitted

- ☐ Does not apply. Genetic testing results were admitted. (Skip to **11**.)
- ☐ Genetic testing was not done, or the results were not admitted.

Conclusion: (Check all that apply):

- ☐ **Not admitted** – The genetic testing results were not admitted because the testing was done without either a court order or agreement of the necessary parties (everyone who signed the Acknowledgment and Denial if any).
- ☐ **Not ordered** – The court concludes that ordering genetic testing is **not** in the child's best interest after considering the report and recommendation of the child's Guardian ad Litem. The court should decide that the Acknowledged Parent is the legal parent of the child, and the Presumed Parent (if any) is not the legal parent of this child.

This conclusion is based on the following (check all that apply):

- ☐ See *Order on Motion for Genetic Testing*.
- ☐ (Describe clear and convincing evidence why testing is not in the child's best interest): _____

- ☐ **No cooperation** – (Name): _____ did not cooperate with an order for genetic testing. This conclusion is based on the following facts (describe the failure to cooperate):

- ☐ Because this person did not cooperate with genetic testing, the court concludes that he (check one): ☐ should ☐ should **not** be the legal father of the child. RCW 26.26.575(2). This is in the child's best interest because (explain): _____

- ☐ Other (specify): _____

11. Child's Name

- ☐ The child's name should **not** be changed.
- ☐ The child's name should be changed as listed in the *Final Order on Petition to Challenge Paternity Acknowledgment or Denial*.

12. Jurisdiction over the Child (RCW 26.27.201 – .221, .231, .261, .271)

- ☐ Does not apply. No one requested a *Parenting Plan* or *Residential Schedule* for the child or asked the court to decide who the child should live with most of the time.
- ☐ The court **cannot** approve a *Parenting Plan* or *Residential Schedule* for this child or decide who this child should live with most of the time because the court does not have jurisdiction over this child.
- ☐ The court **can** approve a *Parenting Plan* or *Residential Schedule* for this child and decide who this 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 was less than 6 months old when the case was filed, s/he had 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 was 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** – Washington had temporary emergency jurisdiction over the child when the case was filed, and now has jurisdiction to make a final custody decision because:
- When the case was filed, the child was abandoned in this state, or the child was in this state and the child (or child's parent, brother or sister) was abused or threatened with abuse;
 - The court signed a temporary order on (date) _____ saying that Washington's jurisdiction will become final 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;
 - The child has now lived in Washington for 6 months; **and**
 - No case concerning the child has been started in the child's home state (or tribe).
- ☐ Other reason (specify): _____

13. Parenting Plan or Residential Schedule

- ☐ Does not apply.
- ☐ The court has jurisdiction over the child as listed in section **12** above.

(Check one):

- ☐ The court signed the final *Parenting Plan* or *Residential Schedule* filed separately today or on (date): _____.
- ☐ No one requested a *Parenting Plan* or *Residential Schedule*. The child has been living with (name): _____ most of the time. The child should continue to live with this parent most of the time. This parent should be named the child's custodian.
- ☐ No *Parenting Plan* or *Residential Schedule* should be entered based on the *Order after Sexual Assault Fact-Finding Hearing*.

The plan, schedule or custodian is approved (check one):

- ☐ by default. The court considered the court record.
- ☐ by agreement of both parents without a contested hearing. The court considered the parties' agreement and the following evidence, if any: _____
- _____

- ☐ after a summary judgment hearing. The court considered the evidence listed in the *Summary Judgment Order*.
- ☐ after trial. The court considered all of the evidence admitted at trial.
- ☐ The court does **not** have jurisdiction over the child as listed in section **12** above. Therefore, the court **cannot** approve a *Parenting Plan* or *Residential Schedule*, or decide who the child should live with most of the time.
- ☐ Other (*specify*): _____

14. Child Support

- ☐ Does not apply.
- ☐ (*Name*): _____ is not a legal parent of the child.
- Conclusion:** His/her obligation to support the child should end on the date listed in the *Order on Petition to Challenge Paternity Acknowledgment or Denial*.
- ☐ No child support should be established or collected based on the *Order after Sexual Assault Fact-Finding Hearing*.
- ☐ The court signed the final *Child Support Order* and *Worksheets* filed separately today or on (*date*): _____.
- ☐ There is no need for the court to order child support because the DSHS Division of Child Support (DCS) has already established an administrative child support order for the child in DCS case number: _____.
- ☐ Other (*specify*): _____

15. Protection Order

- ☐ No one requested an *Order for Protection* in this case.
- ☐ (*Name*): _____ requested an *Order for Protection* in this case.
- Conclusion:** The court should (*check one*):
- ☐ **not** approve a protection order because: _____
- _____
- ☐ approve a protection order because: _____
- _____
- _____

16. Restraining Order

- ☐ No one requested a *Restraining Order* in this case.
- ☐ (*Name*): _____ requested a *Restraining Order*.
- Conclusion:** The court should:

☐ not approve a *Restraining Order* because: _____

☐ approve a *Restraining Order* because: _____

17. Fees and Costs

- ☐ Each party should pay his or her own fees and costs.
- ☐ Lawyer's fees were awarded in the *Order after Sexual Assault Fact-Finding Hearing* and should be included in the *Final Order*.
- ☐ (Name): _____ incurred fees and costs, and needs help to pay those fees and costs. (Name): _____ has the ability to help pay fees and costs and should be ordered to pay the amount as listed in the *Final Order*. The court finds that the amount ordered is reasonable.
- ☐ Fees for a Guardian ad Litem (GAL) or other court-appointed professional should be paid as listed in the *Final Order*. The court has considered relevant factors including each party's ability to pay, and finds the fees as ordered are reasonable.
- ☐ Other findings: _____

18. Other findings or conclusions (if any)

Date

▶ _____
Judge or Commissioner

Petitioner and Respondent or their lawyers fill out below.

This document (*check any that apply*):

- ☐ is an agreement of the parties
☐ is presented by me
☐ may be signed by the court without notice to me

This document (*check any that apply*):

- ☐ is an agreement of the parties
☐ is presented by me
☐ may be signed by the court without notice to me

▶ _____
Petitioner signs here **or** lawyer signs here + WSBA #

▶ _____
Respondent signs here **or** lawyer signs here + WSBA #

Print Name

Date

Print Name

Date

This document (*check any that apply*):

- ☐ is an agreement of the parties
☐ is presented by me
☐ may be signed by the court without notice to me

This document (*check any that apply*):

- ☐ is an agreement of the parties
☐ is presented by me
☐ may be signed by the court without notice to me



Other Respondent or lawyer signs here + WSBA #



Other party or Guardian ad Litem signs here + WSBA #

Print Name

Date

Print Name

Date

☐ **If any parent or child received public assistance:**

The state Department of Social and Health Services (DSHS) was notified about this order through the Prosecuting Attorney's office, and has reviewed and approved the following:

- ☐ Child support ☐ Medical support
☐ Past due child support ☐ Other (*specify*): _____



Deputy Prosecutor signs here

Print name and WSBA #

Date