

Superior Court of Washington, County of _____

In re parentage:

Petitioner (person who started this case):

And Respondent/s:
(other parent / presumed parent/s)

Children over age 2:

No. _____

Findings and Conclusions on Petition to
Disprove Parentage of Presumed Parent
(FNFCL)

**Findings and Conclusions on Petition to
Disprove Parentage of Presumed Parent**

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

- Parties' agreement
- Default Order or Summary Judgment 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):
 - Petitioner (name): _____ This person's lawyer
 - Respondent (name): _____ This person's lawyer
 - Respondent (name): _____ This person's lawyer
 - Guardian ad Litem for (children's names): _____
 - Other (name and relationship to this case): _____
 - Other (name and relationship to this case): _____
 - 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): _____.

(Check all that apply):

- (Name/s) _____ was/were served in this state.
- (Name/s) _____ live/s in this state now.
- (Name/s) _____ lived in this state with the children.
- (Name/s) _____ lived in this state and paid for pregnancy costs or support for the children.
- (Name/s) _____ did or said something that caused the children to live in this state.
- (Name/s) _____ had sex in this state, which may have produced the children.
- (Name/s) _____ signed an agreement to join this *Petition* or other document agreeing that the court can decide his or her rights in this case.
- None of the reasons listed above apply to (name): _____
- Other (specify): _____

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

except (name/s): _____.

3. Guardian ad Litem

- No Guardian ad Litem (GAL) was appointed.
- The Court appointed (name): _____ Guardian ad Litem (GAL) for (children's names): _____.
The court has considered the report and recommendations of the GAL.
- The GAL should be discharged.
- Other (specify): _____

4. Genetic Testing Admitted

- Does not apply. Either genetic testing was not done, or the results were not admitted. (Skip to **5**.)
- This issue was decided in the *Summary Judgment Order* signed by the court on (date): _____ (Skip to **5**.)
- The following genetic testing results were admitted as evidence (check all that apply):
 - Presumed Parent Tested** – Genetic paternity testing was done with the presumed

parent (name): _____.
The testing was done by (check one): court order. agreement with the birth mother.

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): _____.

Test Results Challenged – The genetic paternity test results 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*.

5. Genetic Testing Not Admitted

Does not apply. Genetic testing results were admitted. (Skip to **6**.)

This issue was decided in the *Summary Judgment Order* signed by the court on (date): _____. (Skip to **6**.)

Genetic testing was **not** done, or the results were not admitted.

Conclusion: (Check all that apply):

Not Ordered – The court concludes that genetic testing is **not** in the children's best interest after considering the report and recommendation of the children's Guardian ad Litem.

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): _____

Not Admitted – Genetic testing results were not admitted because the testing was done without either a court order or agreement of the birth mother and the presumed parent.

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 children. RCW 26.26.575(2). This is in the child's best interest because (explain): _____

Other (specify): _____

6. Why parentage is presumed

(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.

There is no presumed parent. The petitioner claimed that (name): _____ was a presumed parent of (children's names): _____. This person is **not** a presumed parent because (explain): _____

7. Parentage of presumed parent

Does not apply. The court found in section 6 above that there is no presumed parent.

(Name): _____ was presumed by law to be a parent when this case started for the reasons listed in section 6 above.

Conclusion: The court should:

Disprove the presumed parent as a legal parent of (children's names): _____ because the presumed parent is not the biological parent according to the genetic test results described in section 4 above, and (check all that apply):

The *Petition* was filed or served on or **before** (children's names): _____ 4th birthdays.

The *Petition* was filed or served **after** (children's names): _____ 4th birthdays and 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.

Disprove the presumed parent as a legal parent of (children's names): _____ based on the *Order after Sexual Assault Fact-Finding Hearing*.

Confirm the presumed parent is a correct legal parent of (children's names): _____ because (check all that apply):

The presumed parent is the biological parent according to the genetic test results described in section 4 above.

The court decided it was not in the children's best interest to do genetic testing.

The *Petition* was first filed or served **after** (children's names): _____ 4th birthdays and the presumed parent (check all that apply):

lived with or had sex with the birth mother when the children were likely conceived.

openly held out these children as his/her own children.

Other (specify): _____

8. Allegation of Parentage Resulting From Sexual Assault

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

There **was** an allegation of sexual assault resulting in 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.

- The *Petition* was filed on or before (*children's names*): _____
_____ 4th birthdays.
- The *Petition* was filed **after** (*children's names*): _____
_____ 4th birthdays and before July 23, 2019.

9. Children's Names

- The children's names should **not** be changed.
- The children's names should be changed as listed on the *Order on Petition to Disprove Parentage of Presumed Parent*.

10. 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 an *Order for Protection* because: _____

- approve an *Order for Protection* because: _____

11. 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: _____

12. 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 Parentage Order.
- This issue was decided in the *Summary Judgment Order* signed by the court on (*date*): _____ . (*Skip to 13.*)

- (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 on Petition to Disprove Parentage of Presumed Parent*. 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 on Petition to Disprove Parentage of Presumed Parent*. The court has considered relevant factors including each party's ability to pay, and finds the fees as ordered are reasonable.
- Other findings: _____

13. Other findings or conclusions (if any)

Date ▶ Judge or Commissioner

Petitioner and Respondent/s 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

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

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

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

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

▶ _____
Other Respondent or lawyer signs here + WSBA #

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

▶ _____
Other party or Guardian ad Litem signs here

Print Name Date