

Superior Court of Washington, County of _____

In re:

Petitioner/s (as listed on the Petition):

And Respondent/s (as listed on the Petition):

No. _____

Sexual Assault Allegation
(SAA)

Interpreter needed

Sexual Assault Allegation

Use this form in parentage cases only. This form may be filed with either a Petition or a Response.

Important! There will be a fact-finding hearing on the Sexual Assault Allegation. The court may not set this hearing automatically. Contact the court for scheduling information and read your county's Local Court Rules, if any. A person receiving this allegation may file a Response to Sexual Assault Allegation (FL Parentage 366).

Deadlines!

- **At least 14 days** before the hearing – the person making the sexual assault allegation must file and serve declaration/s or other evidence supporting the allegation.
- **At least 5 days** before the hearing – the person responding to the allegation may file and serve declaration/s or other evidence opposing the allegation.

To both parties:

Read your county's Local Court Rules, if any. 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.

Bring proposed orders to the hearing.

The court will cancel the fact-finding hearing if genetic testing shows that the person accused of sexual assault is not biologically related to the child.

1. My name is: _____ . I am filing this *Allegation* together with my (*check one*):

- | | |
|--|---|
| <input type="checkbox"/> Response to Petition to Decide Parentage | <input type="checkbox"/> Petition to Decide Parentage |
| <input type="checkbox"/> Response to Petition to Disprove Parentage of Presumed Parent | <input type="checkbox"/> Petition to Disprove Parentage of Presumed Parent |
| <input type="checkbox"/> Response to Petition to Decide Parentage (after Acknowledgment or Court Decision) | <input type="checkbox"/> Petition to Challenge Paternity Acknowledgment and/or Denial |
| <input type="checkbox"/> Response to Petition to Challenge Paternity Acknowledgment and/or Denial | |

2. Allegation

I was sexually assaulted by (*name*): _____ and became pregnant from the assault. I gave birth to the following children within 320 days after the sexual assault:

Child's name	Date/s of assault	Date of birth
1.		
2.		

3. Request for Hearing

I ask the court to schedule and hold a fact-finding hearing on this allegation.

- I ask that the fact-finding hearing be closed to the public.

4. Proof of sexual assault

At least 14 days before the fact-finding hearing on this allegation of sexual assault, I will file and serve declaration/s or other evidence that the person named in section **2.** above (*check one*):

- was convicted of or plead guilty to a sexual assault against me under RCW 9A.44.040, 9A.44.050, 9A.44.060 (rape in the first, second or third degree), or a comparable crime of sexual assault in any jurisdiction, and the child was born within 320 days after the sexual assault.
- committed sexual assault against me that was nonconsensual sexual penetration resulting in pregnancy, and the child was born within 320 days after the sexual assault.

5. Genetic Testing

(*Check one*):

- I ask the court to order genetic testing before holding a fact-finding hearing on the Sexual Assault Allegation. I will file and serve a *Motion for Genetic Testing*, form FL Parentage 305.
- I am **not** asking for genetic testing.

6. Request to seal documents

The court must decide at the fact-finding hearing whether the declaration/s and other evidence filed by both parties should be sealed by the clerk so that they may not be seen by anyone without a court order allowing it. *(Each party must still give a copy of their evidence to the other side.)*

- I ask the court to order that the declaration/s and other evidence filed by both parties for the fact-finding hearing be sealed because *(give reasons)*:

7. Parentage

I ask the court to find that the children listed above were born as a result of sexual assault and that that the person who committed the sexual assault *(check one)*:

- is **not** a legal parent of the children even if genetic testing shows that s/he is the biological parent.
- may be a legal parent depending on the result of genetic testing, but his/her rights to the child must be limited as required by law. (RCW 26.26.---.)

Warning! *If the court finds that the child was born as a result of sexual assault, unless the birth parent expressly agrees in writing, the person who committed the sexual assault will **not** have the right to:*

- *residential time with or decision-making for the child*
- *inherit from the child*
- *be notified about or object to adoption of the child.*

- I do **not** want the court to order a *Parenting Plan* or *Residential Schedule*. The person who committed sexual assault should have no residential time with or decision-making authority for the children.

8. Child Support

(Check one):

- I ask the court to order the person who committed the sexual assault to pay child support and/or birth-related costs.
- I do **not** want the court to order the person who committed the sexual assault to pay child support and/or birth-related costs.

9. Time Limits

The law sets a time limit for making a sexual assault allegation for children who have a presumed, acknowledged, or adjudicated parent.

- *Presumed parent: a legal parent based on marriage or domestic partnership (see presumed parent section of the Petition).*
- *Acknowledged parent: a legal parent because s/he signed an Acknowledgment of Paternity filed with the appropriate state agency.*
- *Adjudicated parent: a legal parent because a court ordered it.*

(Check one):

- There is **no** presumed, acknowledged or adjudicated parent. Therefore, there is no time limit for making this allegation.
- There is a **presumed** parent. It is not too late to make this allegation because this case was started (check all that apply):
 - on or before each child's 4th birthday.
 - after a child's 4th birthday, but before July 23, 2019, and the presumed parent was found in a separate criminal or civil proceeding to have committed sexual assault against me.
- There is an **acknowledged** or **adjudicated** parent. It is not too late to make this allegation because this case was started before July 23, 2019, and the acknowledged or adjudicated parent was found in a separate criminal or civil proceeding to have committed sexual assault against me.

Person making this allegation 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: _____

▶ _____
Sign here Print name

Lawyer (if any) fills out below:

▶ _____
Petitioner's lawyer signs here Print name and WSBA No. Date