

Superior Court of Washington, County of _____

In re:

Petitioner *(person who started this case)*:

And Respondent *(alleged or convicted sexual assault perpetrator)*:

No. _____

Petition to Stop Parentage Based on Sexual Assault
(PTDPSA)

Petition to Stop Parentage Based on Sexual Assault

1. Petitioner

Petitioner's Name <i>(first, middle, last)</i>	Lives in <i>(county and state)</i>

I was sexually assaulted by Respondent and became pregnant from the assault. I gave birth to the child listed in section **2** within 320 days after the sexual assault.

2. I ask the court to decide the Respondent is not the parent of the child listed below because of the sexual assault:

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

Important! If multiple children are listed, change "child" to "children" in this form as needed.

3. Respondent

Respondent's Name <i>(first, middle, last)</i>	Lives in <i>(county and state)</i>

Respondent is the child's:

- Possible Genetic Parent** – Respondent may be a genetic parent because s/he sexually assaulted me (including rape of a child) when the child was likely conceived.
- Presumed Parent** (*by marriage, domestic partnership, or holding out*) – Respondent is a presumed parent because (*check all that apply*):
 - this person and I were married or in a registered domestic partnership when this child was born, or within the 300 days before this child was born.
 - this person and I *believed* we were in a *valid* marriage or registered domestic partnership when this child was born or within the 300 days before this child was born, even though the marriage or partnership was (or could have been) invalidated by a court.
 - after* this child was born, this person and I married or became registered domestic partners (or believed our marriage or partnership was valid, even if it was or could have been invalidated). This person willingly said s/he is this child's parent and (*check all that apply*):
 - Agreed to be and is listed as the parent on this child's birth record.
 - Filed a statement claiming s/he was this child's parent with the state registrar of vital statistics.
 - this person lived in the same home as this child and openly held out this child as his/her own child for the first 4 years of the child's life. (*List examples that show how this person treated this child as if s/he were the parent*):

- Acknowledged Parent** – The respondent signed an *Acknowledgment of Parentage* about the child named in section **2** and filed the *Acknowledgment* on (*date*): _____ with the:
 - Washington State Registrar of Vital Statistics or
 - appropriate agency in (*state*): _____
- Adjudicated Parent** – A court signed a *Final Order* or other order that established that respondent is the parent of the child named in section **2** in a case about:
 - parentage divorce adoptionin (*county/state*): _____ in case number: _____
on (*date*): _____.

4. Time limits and waiver

The law sets time limits for starting this case. If the time limits for a child who has a presumed, acknowledged, or adjudicated parent have already passed, the law allows the court to waive the time limit if this case is filed before January 1, 2020.

Respondent is a/n (check one):

- Possible Genetic Parent** who is **not** a presumed, acknowledged, or adjudicated parent: There is no time limit for starting this case.
- Presumed parent** – I started this case:
 - less than 4 years from the child’s birth.
 - more than 4 years from the child’s birth but before January 1, 2020, and I ask the court to waive the time limit. The presumed parent was found in a separate criminal or civil proceeding to have committed sexual assault against me.
- Acknowledged parent** – The *Acknowledgment of Parentage* was effective on the child’s birth date or on the date the *Acknowledgment of Parentage* was filed whichever date is later. I started this case:
 - less than 4 years after the effective date of the Acknowledgment of Parentage.
 - more than 4 years after the effective date of the Acknowledgment of Parentage, but before January 1, 2020 and I ask the court to waive the time limit. The acknowledged parent was found in a separate criminal or civil proceeding to have committed sexual assault against me.
- Adjudicated parent** – I started the case before January 1, 2020. I ask the court to waive the time limit. The adjudicated parent was found in a separate criminal or civil proceeding to have committed sexual assault against me.

5. Finding of sexual assault in a civil or criminal case

A court found in a separate criminal or civil case that the respondent committed a sexual assault (including rape of a child) against the petitioner. (Fill out below.)

Date of verdict or order	Court and county	Case number

Important! File or attach any court orders or documents you want the court to consider.

6. Personal Jurisdiction

Does a Washington state court have personal jurisdiction (authority to make decisions) over Respondent?

- 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 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.

- sexually assaulted me 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*): _____

No, unless respondent consents to jurisdiction.

7. Correct County (Venue)

This is the correct county for this case to be heard because this is where:

- The child lives or is located.
- The respondent lives or is located, if the child lives outside Washington.

8. 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.

9. 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 **3.** 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 including rape of a child of any degree, in this state or in any other 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.

10. 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 308.
- I am **not** asking for genetic testing.

11. 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*):

12. Parentage

I ask the court to find that the child listed above was born as a result of sexual assault and that that the person who committed the sexual assault is **not** a legal parent of the child even if genetic testing shows that s/he is the biological parent. I ask the court to order that s/he has no right to residential time with the child, to decision making for the child, to inherit from the child, or to be notified about or object to adoption of the child.

Important! *The victim can request in writing that the court **not** order one or more of the restrictions or limitations listed above.*

13. Birth Record

No request to change birth records.

Child's Name: I ask the court to change the child's name in the birth record to:

Parents Listed: I ask the court to change the parents listed on the child's birth record based on the parentage decision in this case.

14. Parenting plan or residential schedule

There is no *Parenting Plan, Residential Schedule*, or custody/visitation order involving Respondent and this child.

I ask the court to terminate the *Parenting Plan, Residential Schedule*, or custody/visitation order involving Respondent and this child from the case/s listed (*fill out below*):

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

Important! *If you are asking to terminate an order from another state, fill out the Declaration about Child Custody Jurisdiction (UCCJEA), form FL All Family 138. The court must have jurisdiction to terminate the order.*

15. 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.

I ask the court to end respondent's obligation to pay child support for the child. (*To suspend child support before this case is finished, a party must file a motion and show good cause.*)

➤ **Other Requests**

16. Protection Order

Do you want the court to issue a Domestic Violence or Harassment 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 below. Attach a copy if you have one.):

Court that issued the order: _____

Case number: _____

Expiration date: _____

Important! If you and Respondent do not have a current or former family or dating relationship, you cannot file for a DV protection order, but you may file for a Sexual Assault Protection Order in a separate case (use form SA 01.015.)

17. Restraining Order

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

- No.** (Skip to **18**.)
- Yes.** Check the type of orders you want:

- Do not disturb** – Order (name/s) _____ not to disturb my peace or the peace of the child.

- Stay away** – Order (name/s) _____ not to go onto the grounds of or enter my home, workplace, or school, and the child’s daycare or school.

- Also, not knowingly to go or stay within _____ feet of my home, workplace, or school, or the child’s daycare or school.

- Do not hurt or threaten** – Order (name/s) _____:

- Not to assault, harass, stalk or molest me or the child; and
- Not to use, try to use, or threaten to use physical force against me or the child 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 access, possess or obtain any firearms, other dangerous weapons, or concealed pistol licenses until the Order ends, and

- To immediately surrender any firearms, other dangerous weapons, and any concealed pistol licenses that he/she possesses to (*check one*): the police chief or sheriff. his/her lawyer. other person (*name*): _____.

Other 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).

18. Fees and Costs

- Does not apply.
- I ask the court to order the Respondent (*name*): _____ to pay filing fees, reasonable lawyer fees, fees for genetic testing, other costs, and necessary travel and other reasonable expenses.

19. Other (if any)

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: _____

▶ _____
Sign 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*