Establish Parentage for Your Child's Sake...

What Every Parent Should Know

Every parent should contribute to the needs of their child. Every child deserves to know their legal parents and to claim the rights and benefits that come with this knowledge.

DSHS
WASHINGTON STATE
Department of Social and Health Services

Why should I establish parentage?

It is important to create a legal relationship between the parents and a child. Determining the legal parents benefits the child. Some of these benefits are:

- Government benefits such as Social Security and veteran's dependent benefits might be available to the child.
- Health care coverage for the child might be available through a parent's health plan.
- Life insurance policies and other inheritance benefits could be available.
- Family doctors can better help the child when they know the child's full family medical history.
- Parents provide emotional and financial support.

How can I establish parentage?

There are several ways to establish legal parentage.

- **Marriage or a registered domestic partnership**
  If a child is born during a marriage or registered domestic partnership, the child is presumed to be the child of that marriage or domestic partnership. This creates a "presumption of parentage." A presumption can be overcome by a properly filed Acknowledgment of Parentage or a court order.
- **Acknowledgment of Parentage**
  The Acknowledgment of Parentage is a legal form that allows parentage to be established voluntarily without going to court. An Acknowledgment of Parentage is signed by the birth parent of the child and an individual who wants to establish parentage. The form can be signed by an alleged genetic parent, a presumed parent or a parent through assisted reproduction. Each parent must sign the form in front of either a notary or a witness. It must be filed with the Washington State Department of Health, Center for Health Statistics. Hospitals can provide the form and information, provide notary or witness services, and send the form to DOH/CHS for you. DOH/CHS will name the parent who signs the form as the legal father or parent on the birth certificate. State law considers the individual who signs the form to be the legal parent of the child.
- **Court order**
  Outside of the voluntary Acknowledgment of Parentage process, a court determines legal parentage.

Establishing parentage using an Acknowledgment of Parentage form

Why should I sign an Acknowledgment of Parentage?

The form is a low-cost, legal way to establish parentage. Sign the form only if you are sure that you want to be the legal parent of the child.

Where can I sign an Acknowledgment of Parentage form?

Most parents sign the form at a hospital, a birthing clinic or at home under the care of a midwife.

- If you need help, a hospital, midwife or birthing clinic employee can answer your questions, help you complete the form, notarize or witness the form, and send the form to DOH/CHS. DCS offices, banks and local health departments can also notarize or witness the form.
- If you sign the Acknowledgment of Parentage form within five days of your child's birth, you will not need to pay a fee to file the form.
- If you do not sign the form at the hospital, you can get the form at your local county health department or any Division of Child Support office. DCS employees may witness or notarize the form. If you sign at a DCS office, DCS will send the form for filing and pay the filing fee. Call DCS at 800-442-KIDS (5437) and ask to have a form mailed to you.

Can I get a copy of my Acknowledgment of Parentage form?

Yes. The Department of Health processes and keeps the official record of the filed parentage forms. You can print an order form at www.doh.wa.gov to order a parentage verification letter or a copy of the applicable filed parentage form. Call DOH/CHS at 360-236-4300 with any questions. DOH processing fees apply.

What are my legal rights when I sign an Acknowledgment of Parentage form?

When you sign a form, federal law says you must receive both written and oral information about your rights and responsibilities. Your rights and responsibilities are included on page 2 of the form under STATEMENTS OF ACKNOWLEDGMENT. It is important you understand what it says. Read the statements and do one of the following:

- Watch a video at the hospital, birthing clinic, your local health department or any DCS office. You can also watch the video online. Scan the QR code to watch now.
- Listen to the automated Acknowledgment of Parentage information line by calling 800-356-0463.
- Ask someone to read the statements to you.
- **Do not sign the form until you receive and understand both the written and oral information.**

Can I sign the Acknowledgment of Parentage even if I am under age 18?

Yes. An Acknowledgment of Parentage signed by a minor is legal. State law holds minors (people under age 18) who sign the form to the same degree of responsibility as adults.

What if I am not sure I want to sign the Acknowledgment of Parentage form?

Sign the form only if you know for sure you want to legally establish that you are the parent of the child. You might want to talk to an attorney. If you decide not to sign the acknowledgment, there are other ways to establish parentage. You can ask the court to establish parentage. If you have questions about establishing parentage, you can call DCS. DCS cannot give you legal advice.

DCS has a no-cost paternity testing program. Most people are referred to this program by the hospital where the child was born. If you want to find out whether you qualify, please contact the DCS Voluntary Paternity Testing Program at 800-285-1892.

Can I change my mind after I sign the form?

Either parent who signed the Acknowledgment of Parentage or the person who signed a Denial of Parentage can change their mind after signing. The legal word for having your name removed from the birth record is "rescind." You must complete a Rescission of Parentage form and file it with the Department of Health, Center for Health Statistics to rescind the acknowledgment or denial within a maximum of 60 days after the date DOH/CHS files the form or before the first court hearing, whichever happens first. You will need to pay a fee to file the Rescission of Parentage form with DOH/CHS.

Do I have to hire an attorney to rescind the Acknowledgment of Parentage?

You can file the Rescission of Parentage form on your own or with the help of an attorney. Once the Rescission of Parentage form is filed, DOH/CHS will remove the second parent's name from the birth certificate.

What if I change my mind and 61 or more days pass after the date DOH/CHS files the acknowledgment?

Either parent can challenge the Acknowledgment of Parentage in court. The Denial of Parentage can also be challenged in court. If you file an action to challenge the acknowledgment or denial, there are limited reasons a court will hear your case. You might have to prove you signed the acknowledgment or denial because of fraud, duress or material mistake of fact. You have only four years to start an action to challenge the Acknowledgment of Parentage or Denial of Parentage in court from the date the form was filed with DOH/CHS.

What happens if the birth parent is married to someone else or in a registered domestic partnership?

If the birth parent is married or in a registered domestic partnership during the pregnancy, the spouse or domestic partner is presumed (believed) to be the other parent if the child is born:

- During the marriage or registered domestic partnership.
- Within 300 days after the end of the marriage or registered domestic partnership.

If the birth parent's spouse or domestic partner agrees to let another individual sign as the second parent, that individual can sign the Acknowledgment of Parentage. The birth parent's spouse or domestic partner must sign a Denial of Parentage or the Acknowledgment of Parentage is not legal.

Establishing parentage in court

When should the court establish parentage?

You should go to court when you believe there is more than one possible father or other possible parents.

Other reasons for using the courts to establish parentage:

- If either parent is not sure about signing the acknowledgment.
- If the birth parent's spouse or domestic partner is unwilling to sign a denial.

How do I open a parentage case in court?

The state can establish parentage for your child if you apply to open a parentage establishment case with DCS. Call DCS at 800-442-KIDS (5437) or the nearest DCS office for more information.

If DCS accepts your case, we will refer your case to a county prosecuting attorney. The prosecutor acts on behalf of your child and cannot represent you in court or give you legal advice. The prosecutor can answer general questions about your parentage case. You must tell us if the child is receiving public assistance.

DCS also has access to some tribal courts to establish parentage in certain tribal cases.

You should ask an attorney for answers to legal questions and for representation in court. If you do not want DCS services, you or your attorney can file a parentage action with the court that has jurisdiction over your case.

How do I establish parentage in court?

If the state is trying to establish parentage, a county prosecutor will usually serve legal papers on the possible fathers or other possible parents. The prosecutor or the court might require the mother/birth parent, possible fathers/parents, and the child to have genetic tests. The court could enter an order establishing parentage.

What is a genetic test? Do I need to be tested?

Genes are part of our bodily tissues. They carry traits passed from parents to their child. Genetic tests compare genes. If certain genes match, the parent and child are related. Genetic tests for paternity are very accurate.

Genetic tests for paternity compare different parts of the possible father's/parent's, mother's/birth parent's and child's tissue collected by swabbing the inside of their mouths. A genetic testing lab issues a report explaining whether the person tested is the likely biological father/parent. The court often requires a genetic test if there is more than one possible father/parent.

Are there costs to establish parentage in court?

- If the county prosecutor establishes parentage in court on a DCS case, you do not pay a filing fee. There might be other costs associated with establishing parentage in court.
- If you hire an attorney, you are responsible for fees and court costs.
- The court might order the parents to pay the genetic testing costs or other court costs.

More things you need to know

How do I establish parenting rights such as custody and visitation?

Only the courts can address legal custody and visitation issues. This is done with a Parenting Plan/Residential Schedule. If you and the other parent cannot decide on custody or visitation issues, contact an attorney, mediator or court facilitator.

- More information about mediation is available at www.resolutionwa.org.
- To find a court facilitator, contact your local superior court clerk's office.

For more information, call DCS and ask for the brochure titled, "How do I get parenting time and visitation?"

Can I establish parentage if one of the parents lives in a different state?

Yes. A parent living in another state can sign the Acknowledgment of Parentage. Other states work with DCS to get a parentage order for children born in or outside of Washington state.

Who can help me establish parentage or answer my questions?

- Call 800-442-KIDS (5437) or see the next page of this brochure for the phone number of a DCS office near you.
- Talk to an attorney.
- Call CLEAR (Coordinated Legal Education, Advice and Referral system) at 888-201-1014.

DCS Offices

Everett	800-729-7580 425-438-4800
Kennewick	800-345-9981 509-374-2000
Olympia	800-345-9964 360-664-6900
Seattle	800-526-8658 206-341-7000
Spokane	800-345-9982 509-363-5000
Tacoma	800-345-9976 253-597-3700
Vancouver	800-345-9984 360-696-6100
Wenatchee	800-535-1113 509-886-6800
Yakima	800-441-0859 509-249-6000
Headquarters	800-457-6202 360-664-5000
Email	dcs-cru@dshs.wa.gov

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