

NEW SECTION. Sec. 11. There is added to chapter 134, Laws of 1969 ex. sess. and to chapter 70.95 RCW a new section to read as follows:

If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 18, 1976.

Passed the House February 12, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 42

[Engrossed Substitute Senate Bill No. 2243]

UNIFORM PARENTAGE ACT

AN ACT Relating to parentage; amending section 2, chapter 131, Laws of 1959 and RCW 4.28.185; amending section 11.02.005, chapter 145, Laws of 1965 and RCW 11.02.005; amending section 11.04.081, chapter 145, Laws of 1965 and RCW 11.04.081; amending section 6, page 405, Laws of 1854 as last amended by section 2388, Code of 1881 and RCW 26.04.060; amending section 3, chapter 291, Laws of 1955 as amended by section 2, chapter 134, Laws of 1973 and RCW 26.32-.030; amending section 4, chapter 291, Laws of 1955 as amended by section 3, chapter 134, Laws of 1973 and RCW 26.32.040; amending section 5, chapter 291, Laws of 1955 as amended by section 4, chapter 134, Laws of 1973 and RCW 26.32.050; amending section 7, chapter 291, Laws of 1955 and RCW 26.32.070; amending section 8, chapter 291, Laws of 1955 as amended by section 5, chapter 134, Laws of 1973 and RCW 26.32.080; amending section 6, chapter 134, Laws of 1973 and RCW 26.32.085; amending section 10, chapter 134, Laws of 1973 and RCW 26.32.300; amending section 11, chapter 134, Laws of 1973 and RCW 26.32.310; amending section 1, chapter 49, Laws of 1903 as amended by section 7, chapter 134, Laws of 1973 and RCW 26.37.010; amending section 8, chapter 134, Laws of 1973 and RCW 26.37.015; amending section 43.20.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 25, Laws of 1970 ex. sess. and RCW 43.20.090; amending section 51.08.030, chapter 23, Laws of 1961 as last amended by section 1, chapter 65, Laws of 1972 ex. sess. and RCW 51.08.030; amending section 21, chapter 5, Laws of 1961 ex. sess. and RCW 70.58.095; amending section 6, chapter 159, Laws of 1945 as last amended by section 2, chapter 279, Laws of 1969 ex. sess. and RCW 70.58.200; amending section 1, chapter 133, Laws of 1939 as amended by section 1, chapter 12, Laws of 1943 and RCW 70.58-.210; adding a new chapter to Title 26 RCW; repealing sections 1 through 8, chapter 203, Laws of 1919 and RCW 26.24.010 through 26.24.080; repealing section 9, chapter 203, Laws of 1919, section 1, chapter 29, Laws of 1973 and RCW 26.24.090; repealing sections 10 through 18, chapter 203, Laws of 1919 and RCW 26.24.100 through 26.24.180; repealing section 19, chapter 203, Laws of 1919, section 1, chapter 134, Laws of 1973 and RCW 26.24.190; and repealing section 9, chapter 134, Laws of 1973 and RCW 26.28.110.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to Title 26 RCW a new chapter to read as set forth in sections 2 through 21 and in sections 42 through 45 of this 1976 amendatory act.

NEW SECTION. Sec. 2. As used in this chapter, "parent and child relationship" means the legal relationship existing between a child and his natural or adoptive parents incident to which the law confers or imposes rights, privileges, duties, and obligations. It includes the mother and child relationship and the father and child relationship.

NEW SECTION. Sec. 3. The parent and child relationship extends equally to every child and to every parent, regardless of the marital status of the parents.

NEW SECTION. Sec. 4. The parent and child relationship between a child and

- (1) the natural mother may be established by proof of her having given birth to the child, or under this chapter;
- (2) the natural father may be established under this chapter;
- (3) an adoptive parent may be established by proof of adoption or under the provisions of chapter 26.32 RCW.

NEW SECTION. Sec. 5. A man is presumed to be the natural father of a child if:

- (1) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within three hundred days after the marriage is terminated by death, annulment, declaration of invalidity, divorce, or dissolution, or after a decree of separation is entered by a court;
- (2) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and the child is born within three hundred days after the termination of cohabitation;
- (3) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and
 - (a) he has acknowledged his paternity of the child in writing filed with the registrar of vital statistics,
 - (b) with his consent, he is named as the child's father on the child's birth certificate, or
 - (c) he is obligated to support the child under a written voluntary promise or by court order;
- (4) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his child; or
- (5) He acknowledges his paternity of the child in a writing filed with the registrar of vital statistics, who shall promptly inform the mother of the filing of the acknowledgment, and she does not dispute the acknowledgment within a reasonable time after being informed thereof, in a writing filed with the registrar of vital statistics. If another man is presumed under subsections (1), (2), (3), or (4) of this section to be the child's father, such acknowledgment shall give rise to the presumption of paternity only with the written consent of the otherwise presumed father or after such other presumption has been rebutted.

A presumption under this section may be rebutted in an appropriate action only by clear, cogent, and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man.

NEW SECTION. Sec. 6. (1) If, under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband is treated in law as if he were the natural father of a child thereby conceived. The husband's consent must be in writing and signed by him and his wife. The physician shall certify their signatures

and the date of the insemination, and file the husband's consent with the registrar of vital statistics, where it shall be kept confidential and in a sealed file.

(2) The donor of semen provided to a licensed physician for use in artificial insemination of a woman other than the donor's wife is treated in law as if he were not the natural father of a child thereby conceived unless the donor and the woman agree in writing that said donor shall be the father. The agreement must be in writing and signed by the donor and the woman. The physician shall certify their signatures and the date of the insemination and file the agreement with the registrar of vital statistics, where it shall be kept confidential and in a sealed file.

(3) The failure of the licensed physician to perform any administrative act required by this section shall not affect the father and child relationship. All papers and records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only in exceptional cases upon an order of the court for good cause shown.

NEW SECTION. Sec. 7. (1) A child, his natural mother, or a man presumed to be his father under section 5 of this 1976 amendatory act may bring an action

(a) at any time for the purpose of declaring the existence of the father and child relationship presumed under section 5 of this 1976 amendatory act; or

(b) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 5 (1), (2), (3) or (4) of this 1976 amendatory act only if the action is brought within a reasonable time after obtaining knowledge of relevant facts. After the presumption has been rebutted, paternity of the child by another man may be determined in the same action, if he has been made a party.

(2) Any interested party or the department of social and health services or the state of Washington may bring an action at any time for the purpose of determining the existence or nonexistence of the father and child relationship.

(3) In an action brought by the state pursuant to this chapter, the state may be represented by either the prosecuting attorney for the county where the action is brought or by the attorney general.

(4) An action to determine the existence of the father and child relationship with respect to a child who has no presumed father under section 5 of this 1976 amendatory act may be brought by the child, the mother or personal representative of the child, the department of social and health services, the state of Washington, the personal representative or a parent of the mother if the mother has died, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor. If a child has no presumed father under section 5 of this 1976 amendatory act and the action to determine the existence of the father and child relationship has not been brought and proceedings to adopt the child have not been instituted within one year after the child's birth, an action to determine the existence of the relationship may be brought promptly on behalf of the child by the department of social and health services or the state of Washington.

(5) Regardless of its terms, no agreement between an alleged or presumed father and the mother or child, shall bar an action under this section.

(6) If an action under this section is brought before the birth of the child, all proceedings may be stayed until after the birth, except service of process and discovery, including the taking of depositions to perpetuate testimony.

(7) No action may be brought by the department of social and health services to establish the duty of someone who is not a presumed parent under section 5 of this 1976 amendatory act to support a child after five years (a) from the date of the child's birth, or (b) from any date the alleged parent ceases to contribute to the care, education, and support of the child, as required by chapter 26.20 RCW, whichever is later: PROVIDED, That the time during which the alleged parent is absent from the state shall not be included in the time periods described above.

NEW SECTION. Sec. 8. (1) The petitioner in an action to determine the existence of the father and child relationship may petition the court to issue a warrant for the arrest of the alleged father at any stage of the proceeding including after a judgment has been entered. When such petition is filed, the court shall examine on oath the petitioner and any witnesses the court may require, take their statements, and cause the statements and the petition to be subscribed under oath by the person or persons making such.

(2) If it appears from such evidence that there is reasonable cause to believe that the father and child relationship exists as alleged in the petition the court shall issue a warrant for the arrest of the alleged father: PROVIDED, That in the case of a prejudgment petition, a warrant shall only be issued if there is reasonable cause to believe that: (a) The alleged father will not appear in response to a summons; or (b) the summons cannot be served; or (c) the alleged father is likely to leave the jurisdiction; or (d) the safety of the petitioner would be endangered if the warrant did not issue.

(3) In the case of a petition for the arrest of a person pursuant to the continuing jurisdiction of the court described in section 17 of this 1976 amendatory act or as an aid to enforcement of a judgment and order previously rendered under this chapter, a warrant shall issue only if there is reasonable cause to believe that: (a) The respondent is delinquent in complying with court's order and conceals himself or has absconded or absented himself from his usual place of abode in this state so that ordinary process of law may not be served upon him; or (b) the respondent has or is about to remove any of his property from this state with the intent to delay or otherwise frustrate the court's order; or (c) the respondent has or is about to assign, secrete, convert, or dispose of any of his property with the intent to delay or otherwise frustrate the court's order.

(4) Any person arrested pursuant to this section shall be entitled upon request to a preliminary hearing as soon as practically possible, and in any event not later than the close of business of the next judicial day following the day of arrest. The court may, for good cause stated, enlarge the time prior to preliminary hearing.

(5) If a person arrested pursuant to this section is not afforded a preliminary hearing upon request as required by subsection (4) of this section, the court shall order such person brought before the court forthwith, and in default thereof, the court shall order his immediate release unless good cause to the contrary be shown.

(6) Any person arrested pursuant to this section shall at this first court appearance be ordered released on his personal recognizance pending trial, unless

the court determines that such recognizance will not reasonably assure (a) his appearance, when required, or (b) compliance with the court's order. When such determination is made the court shall order the person returned to custody or impose such other conditions as will reasonably assure his appearance or compliance with the court's order.

NEW SECTION. Sec. 9. (1) The superior courts have jurisdiction of an action brought under this chapter. The action may be joined with an action for divorce, dissolution, annulment, declaration of invalidity, separate maintenance, filiation, support, or any other civil action in which paternity is an issue including proceedings in juvenile court.

(2) A person who has sexual intercourse in this state thereby submits to the jurisdiction of the courts of this state as to an action brought under this chapter with respect to a child who may have been conceived by that act of intercourse. In addition to any other method provided by statute, personal jurisdiction may be acquired by personal service of summons outside this state or by service in accordance with RCW 4.28.185 as now or hereafter amended.

(3) The action may be brought in the county in which the child or the alleged father resides or is found or, if the father is deceased, in which proceedings for probate of his estate have been or could be commenced.

NEW SECTION. Sec. 10. The child shall be made a party to the action. If he is a minor he shall be represented by his general guardian or a guardian ad litem appointed by the court. The child's mother or father may not represent the child as guardian or otherwise. The natural mother, each man presumed to be the father under section 5 of this 1976 amendatory act, and each man alleged to be the natural father, shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and an opportunity to be heard. The court may align the parties.

NEW SECTION. Sec. 11. (1) The court may, and upon request of a party shall, require the child, mother, or alleged father to submit to blood tests. The tests shall be performed by an expert qualified as an examiner of blood types, appointed by the court.

(2) The court, upon reasonable request by a party, shall order that independent tests be performed by other experts qualified as examiner of blood types.

(3) In all cases, the court shall determine the number and qualifications of the experts.

NEW SECTION. Sec. 12. Evidence relating to paternity may include:

(1) Evidence of sexual intercourse between the mother and alleged father at any possible time of conception;

(2) An expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy;

(3) Blood test results, weighted in accordance with evidence, if available, of the statistical probability of the alleged father's paternity;

(4) Medical or anthropological evidence relating to the alleged father's paternity of the child based on tests performed by experts. If a man has been identified as a possible father of the child, the court may, and upon request of a party shall, require the child, the mother, and the man to submit to appropriate tests; and

- (5) All other evidence relevant to the issue of paternity of the child.

NEW SECTION. Sec. 13. (1) An action under this chapter is a civil action governed by the rules of civil procedures. The mother of the child and the alleged father are competent to testify and may be compelled to testify.

(2) Upon refusal of any witness, including a party, to testify under oath or produce evidence of any other kind on the ground that he may be incriminated thereby, and if a prosecuting attorney requests the court to order that person to testify or provide the evidence, the court shall then hold a hearing and shall so order, unless it finds that to do so would be clearly contrary to the public interest, and that person shall comply with the order.

If, but for this section, he would have been privileged to withhold the answer given or the evidence produced by him, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination; but he shall not be prosecuted or subjected to criminal penalty or forfeiture for or on account of any transaction, matter, or fact concerning which he has been ordered to testify pursuant to this section. He may nevertheless be prosecuted for failing to comply with the order to answer, or for perjury or for offering false evidence to the court.

(3) Testimony of a physician concerning the medical circumstances of the pregnancy and the condition and characteristics of the child upon birth is not privileged.

(4) In an action against an alleged father, evidence offered by him with respect to a man who is not subject to the jurisdiction of the court concerning his sexual intercourse with the mother at or about the probable time of conception of the child is admissible in evidence only if he has undergone and made available to the court blood tests the results of which do not exclude the possibility of his paternity of the child. A man who is identified and is subject to the jurisdiction of the court shall be made a defendant in the action.

(5) The trial shall be by the court without a jury.

NEW SECTION. Sec. 14. (1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship is determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order may contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement.

(4) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just: **PROVIDED HOWEVER,** That the court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(5) In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, the court shall consider all relevant facts, including, but not limited to:

- (a) the needs of the child;
- (b) the standard of living and circumstances of the parents;
- (c) the relative financial means of the parents;
- (d) the earning ability of the parents;
- (e) the need and capacity of the child for education, including higher education;
- (f) the age of the child;
- (g) the responsibility of the parents for the support of others; and
- (h) the value of services contributed by the custodial parent.

(6) In determining custody, a court, in accordance with the best interests of the child, shall consider all relevant facts including:

- (a) The wishes of the child's parents or parent as to his custody and as to visitation;
- (b) The wishes of the child as to his custodian and as to visitation privileges;
- (c) The interaction and interrelationship of the child with his parent or parents, his siblings, and any other person who may significantly affect the child's best interests;
- (d) The child's adjustment to his home, school, and community; and
- (e) The mental and physical health of all individuals involved.

The court shall not consider conduct of a proposed custodian that does not affect the welfare of the child.

(7) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

NEW SECTION. Sec. 15. The court may order reasonable fees of counsel, experts, and the child's guardian ad litem, and other costs of the action, including blood tests, to be paid by the parties in proportions and at times determined by the court.

NEW SECTION. Sec. 16. (1) If existence of the father and child relationship is declared, or paternity or a duty of support has been acknowledged or adjudicated under this chapter or under prior law, the obligation of the father may be enforced in the same or other proceedings by the mother, the child, the state of Washington, the public authority that has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, support, or funeral, or by any other person, including a private agency, to the extent he has furnished or is furnishing these expenses.

(2) The court may order support payments to be made to the department of social and health services pursuant to chapters 74.20 and 74.20A RCW, to a parent, the clerk of the court, or a person, corporation, or agency designated to administer them for the benefit of the child under the supervision of the court.

(3) All remedies for the enforcement of judgments apply.

NEW SECTION. Sec. 17. The court has continuing jurisdiction to prospectively modify a judgment and order for future education and future support, and with respect to matters listed in sections 14 (3) and (4), and 16(2) of this 1976 amendatory act upon showing a substantial change of circumstances.

NEW SECTION. Sec. 18. Any interested party may bring an action to determine the existence or nonexistence of a mother and child relationship. Insofar as practicable, the provisions of this chapter applicable to the father and child relationship apply.

NEW SECTION. Sec. 19. Any promise in writing to furnish support for a child, growing out of a supposed or alleged father and child relationship, does not require consideration and is enforceable according to its terms, subject to section 7(5) of this 1976 amendatory act.

NEW SECTION. Sec. 20. If a parent relinquishes or proposes to relinquish for adoption a child, the other parent shall be given notice of the adoption proceeding and have the rights provided under the provisions of chapter 26.32 RCW.

NEW SECTION. Sec. 21. Notwithstanding any other rule of law concerning public hearings and records, any hearing or trial held under this chapter shall be held in closed court without admittance of any person other than those necessary to the action or proceeding. All papers and records, other than the final judgment, pertaining to the action or proceeding, whether part of the permanent record of the court or of a file in the department of social and health services, are subject to inspection only upon an order of the court for good cause shown following reasonable notice to all parties of the hearing where such order is to be sought.

Sec. 22. Section 2, chapter 131, Laws of 1959 and RCW 4.28.185 are each amended to read as follows:

(1) Any person, whether or not a citizen or resident of this state, who in person or through an agent does any of the acts in this section enumerated, thereby submits said person, and, if an individual, his personal representative, to the jurisdiction of the courts of this state as to any cause of action arising from the doing of any of said acts:

(a) The transaction of any business within this state;

(b) The commission of a tortious act within this state;

(c) The ownership, use, or possession of any property whether real or personal situated in this state;

(d) Contracting to insure any person, property or risk located within this state at the time of contracting;

(e) The act of sexual intercourse within this state with respect to which a child may have been conceived.

(2) Service of process upon any person who is subject to the jurisdiction of the courts of this state, as provided in this section, may be made by personally serving

the defendant outside this state, as provided in RCW 4.28.180, with the same force and effect as though personally served within this state.

(3) Only causes of action arising from acts enumerated herein may be asserted against a defendant in an action in which jurisdiction over him is based upon this section.

(4) Personal service outside the state shall be valid only when an affidavit is made and filed to the effect that service cannot be made within the state.

(5) In the event the defendant is personally served outside the state on causes of action enumerated in this section, and prevails in the action, there may be taxed and allowed to the defendant as part of the costs of defending the action a reasonable amount to be fixed by the court as attorneys' fees.

(6) Nothing herein contained limits or affects the right to serve any process in any other manner now or hereafter provided by law.

Sec. 23. Section 11.02.005, chapter 145, Laws of 1965 and RCW 11.02.005 are each amended to read as follows:

When used in this title, unless otherwise required from the context:

(1) "Personal representative" includes executor, administrator, special administrator, and guardian.

(2) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the estate.

(3) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to the intestate, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the intestate who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the intestate but who left issue surviving the intestate; each share of a deceased person in the nearest degree shall be divided among those of his issue who survive the intestate and have no ancestor then living who is in the line of relationship between them and the intestate, those more remote in degree taking together the share which their ancestor would have taken had he survived the intestate. Posthumous children are considered as living at the death of their parent.

(4) "Issue" includes all the lawful lineal descendants of the ancestor(;) and all lawfully adopted children(~~(, and illegitimates as specified in RCW 11.04.081)~~).

(5) "Degree of kinship" shall mean the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.

(6) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on his death intestate.

(7) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.

(8) "Wills" includes all codicils.

(9) "Codicil" shall mean an instrument executed in the manner provided by this title for wills, which refers to an existing will for the purpose of altering or changing the same, and which need not be attached thereto.

(10) "Guardian" means a personal representative of the estate of an incompetent person as defined in RCW 11.88.010 and the term may be used in lieu of "personal representative" wherever required by context.

(11) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.

(12) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context.

(13) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.

(14) Words that import the singular number only, may also be applied to the plural of persons and things.

(15) Words importing the masculine gender only may be extended to females also.

Sec. 24. Section 11.04.081, chapter 145, Laws of 1965 and RCW 11.04.081 are each amended to read as follows:

For the purpose of inheritance to, through, and from ~~((an illegitimate)) any child, ((such child shall be treated the same as if he were the legitimate child of his mother, so that he and his issue shall inherit from his mother and from his maternal kindred, in all degrees, and they may inherit from him. Such child shall also be treated the same as if he were a legitimate child of his mother for the purpose of determining homestead rights, the distribution of exempt property and the making of family allowances. When the parents of an illegitimate child shall marry subsequent to his birth, or the father shall acknowledge said child in writing, such child shall be deemed to have been made the legitimate child of both of the parents for purposes of intestate succession))~~ the effects and treatment of the parent-child relationship shall not depend upon whether or not the parents have been married.

Sec. 25. Section 6, page 405, Laws of 1854 as last amended by section 2388, Code of 1881 and RCW 26.04.060 are each amended to read as follows:

A marriage solemnized before any person professing to be a minister or a priest of any religious denomination in this state or professing to be an authorized officer thereof, is not void, nor shall the validity thereof be in any way affected on account of any want of power or authority in such person, if such marriage be consummated with a belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage. ~~((Illegitimate children become legitimate by the subsequent marriage of their parents with each other.))~~

Sec. 26. Section 3, chapter 291, Laws of 1955 as amended by section 2, chapter 134, Laws of 1973 and RCW 26.32.030 are each amended to read as follows:

Written consent to such adoption must be filed prior to a hearing on the petition, as follows:

(1) By the person to be adopted, if such person is fourteen years of age or older, but the filing of such consent shall not obviate the necessity of securing any other consent herein required;

(2) If the person to be adopted is ~~((of legitimate birth or legitimized thereafter, and))~~ a minor, then by each of his living parents, except as ~~((hereinafter))~~ provided in RCW 26.32.040 and 26.32.050 as now or hereafter amended;

~~(3) ((If the person to be adopted is illegitimate and a minor, then by his mother and father, if living, except as provided in this 1973 amendatory act;~~

~~(4))~~ If a legal guardian has been appointed for the person of the child, then by such guardian;

~~((5))~~ (4) If the person to be adopted is a minor and has been permanently committed upon due notice to his parents by any court of general jurisdiction to an approved agency, then by such approved agency, in which event neither notice to nor consent by its parents in the adoption proceeding shall be necessary: PROVIDED, That if the approved agency refuses to consent to the adoption, the court, in its discretion, may order that such consent be dispensed with.

Sec. 27. Section 4, chapter 291, Laws of 1955 as amended by section 3, chapter 134, Laws of 1973 and RCW 26.32.040 are each amended to read as follows:

No consent for the adoption of a minor shall be required as follows:

(1) From a parent deprived of civil rights when in a hearing for that purpose, as provided in RCW 26.32.050, the court finds that the circumstances surrounding the loss of said parent's civil rights were of such a nature that the welfare of the child would be best served by a permanent deprivation of parental rights;

(2) From a parent who has been deprived of the custody of the child by a court of competent jurisdiction, after notice: PROVIDED, That a decree in an action for divorce, separate maintenance, ~~((or))~~ annulment, dissolution, declaration of invalidity, declaration of paternity, or any other order in a civil or criminal proceeding including proceedings in juvenile court, which grants to a parent any right of custody, control, or visitation of a minor child, or requires of such parent the payment of support money for such child, shall not constitute such deprivation of custody;

(3) From a parent who, more than one year prior to filing of a petition hereunder, has been adjudged to be mentally ill or otherwise mentally incompetent, and who has not thereafter been restored to competency by the court making such adjudication, and the court at a hearing called for such purpose, as provided in RCW 26.32.050, finds that the best interests of the child will be served by a permanent deprivation of custody;

(4) From a parent who has been found by a court of competent jurisdiction, upon notice as herein provided to such parent, to have deserted or abandoned such child under circumstances showing a wilful substantial lack of regard for parental obligations;

(5) From a parent of ~~((an illegitimate))~~ a child who has not been acknowledged by such parent and action has not been taken to establish such relationship in accordance with sections 3 through 20 of this 1976 amendatory act, and who prior to entry of the interlocutory decree of adoption has not contested the proposed adoption after having been provided with notice of a hearing on an adoption petition pursuant to the notice provisions of RCW 26.32.085;

(6) From a parent who has surrendered the child pursuant to RCW 26.37.010.

Sec. 28. Section 5, chapter 291, Laws of 1955 as amended by section 4, chapter 134, Laws of 1973 and RCW 26.32.050 are each amended to read as follows:

If the court in an adoption proceeding, after a hearing for that purpose upon notice thereof as hereinafter provided having been given to a parent, finds any of the conditions set forth in RCW 26.32.040 as now or hereafter amended to be a fact as to the parent, the court may decree that consent of such parent shall not be required prior to adoption.

Sec. 29. Section 7, chapter 291, Laws of 1955 and RCW 26.32.070 are each amended to read as follows:

(1) The written consent shall be acknowledged before a notary public and filed with the petition or at all events before any action is taken by the court in such proceeding. Such consent shall recite that it is given subject to the approval of the court to be requested in an adoption proceeding and to have no force or effect until such court has approved the same. Such consent shall also provide therein that, after it is approved by the court and the order of relinquishment issued and filed, as required by RCW 26.36.010 as now or hereafter amended, and the child relinquished to the petitioners, it is not revocable except for fraud practiced by the petitioners or mental incompetency of the person signing the consent at the time of signing the same;

(2) If the parent signing the consent is a minor, the court shall appoint a guardian ad litem, who shall make an investigation and report prior to the order of relinquishment, covering the competency of the person signing the consent and certifying that the consent was voluntarily made and for the best interests of the child;

(3) The court, prior to signing an order of relinquishment, may appoint a next friend, as hereinafter provided in RCW 26.32.090, who shall report to the court either orally or in writing as to the competency of the parent signing the consent, whether or not such consent is voluntary, and whether or not at that time anything affirmatively appears that the best interests of the child would not be served by the adoption. The order of relinquishment shall not be signed without the written approval of the next friend and without the court calling a hearing as to the advisability of the relinquishment, whenever the court appoints a next friend.

Sec. 30. Section 8, chapter 291, Laws of 1955 as amended by section 5, chapter 134, Laws of 1973 and RCW 26.32.080 are each amended to read as follows:

(1) The court shall direct notice of any hearing under RCW 26.32.050 to be given to any nonconsenting parent or guardian, if any, and to any person or association having the actual care, custody, or control of the child: **PROVIDED**, That where a parent has been deprived of the custody of such child and such child has been set over for adoption by an order of a court of competent jurisdiction, after due notice in a proceeding regularly had for such purpose, no notice need be given to the parent so deprived and the record of such deprivation proceedings shall be deemed prima facie proof of such deprivation;

(2) Such notice shall be given in the following manner: The court shall direct the clerk to issue a notice of such hearing directed to the persons entitled to notice, notifying such persons of the filing of the petition, stating briefly the object of

the petition and the purpose of the hearing, and notifying such persons of the date, time and place of the hearing. A copy of the notice shall be served in the manner provided by law for the service of the summons upon the persons entitled thereto at least ten days prior to the hearing;

(3) In the event it shall appear by the affidavit of the petitioners that the persons entitled to notice, or either of them, are nonresidents of the state or that they cannot, after diligent search, be found within the state, and that a copy of said notice has been deposited in the post office, postage prepaid, directed to such person or persons at their last known place of residence, unless it is stated in the affidavit that such residence is unknown to petitioners, then the court shall order said notice published in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-five days prior to the date fixed for the hearing. Proof of service of notice shall be filed in the cause as required by law for making proof of the service of summons or summons by publication;

(4) Personal service of the notice out of the state, made twenty-five days or more prior to the date fixed for the hearing, shall be deemed equivalent to service by publication;

(5) ~~((If the court is satisfied of the illegitimacy of the child to be adopted, and so finds, then))~~ Notice to any nonconsenting parent of such child shall be made as required under the provisions of RCW 26.32.085 as now or hereafter amended.

(6) Except as provided in subsection (5) of this section, a notice in substantially the following form will be deemed sufficient:

IN THE SUPERIOR COURT
OF THE STATE OF WASHINGTON
FOR THE COUNTY OF

In the Matter
of the Adoption of
JANE DOE

}

No. _____
NOTICE

To John Doe (nonconsenting parent) and to all whom it may concern:

You are hereby notified that there has been filed in this court a petition for the adoption of the above named, praying also that there be first an adjudication that the consent of John Doe to such adoption is not required by law.

A hearing for such purpose will be had on the day of, 19..., at the hour of 9:30 a.m., at the courtroom of said superior court, at, or to such other department of the court to which said matter may be then and there transferred, when and where all persons interested shall appear and show cause why such adjudication should not be made, and why, if made, such petition should not be thereafter heard forthwith and the prayer thereof granted.

WITNESS, The Honorable, Judge of said Superior court, and the seal of said court hereunto affixed this day of, 19...

Clerk

Deputy Clerk

(SEAL)

Sec. 31. Section 6, chapter 134, Laws of 1973 and RCW 26.32.085 are each amended to read as follows:

The following requirements regarding notice of hearing on a petition for adoption shall apply to ~~((the))~~ an alleged parent of ((an illegitimate)) a child who has not acknowledged the relationship and action has not been taken to establish such relationship in accordance with sections 3 through 20 of this 1976 amendatory act, and who has not consented to the adoption of such child:

(1) Where the court has reason to believe or suspect that any person not before the court is or might be the parent of such child, the court shall direct the clerk to issue the notice prescribed in subsection (3) of this section to such person. The notice required under this subsection shall be served in the manner provided by law for the service of summons upon the person entitled thereto at least ten days prior to the hearing. In the event that a person entitled to notice under this subsection is a nonresident of the state or cannot after diligent search be found within the state, then:

(a) If the last known place of residence of such person is known, a copy of notice shall be deposited in the post office, postage prepaid, directed to such person at his last known place of residence.

(b) If the last known place of residence of such person is not known, then notice shall be made by publication in the manner required under subsection (2) of this section and as prescribed under subsection (3) of this section.

(2) Notice by publication shall be made in every case, except where service of the notice has been made on a person who either:

- (a) acknowledges that he is a parent and the court finds him to be a parent, or
- (b) has been found to be the father pursuant to chapter 26.24 RCW.

In addition, the court may require notice by publication whenever the court believes such notice might be necessary to protect the validity of adoption proceedings and any decree of adoption. Whenever notice by publication is required, the court shall direct the clerk to publish the notice in a legal newspaper ~~((printed in the county;))~~ qualified to publish summons, printed in the county or counties in which in the exercise of sound judicial discretion the court determines the alleged parent is likely to reside, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-five days prior to the date fixed for the hearing. The notice shall be in the form prescribed under subsection (3) of this section.

(3) The notice required under subsections (1) and (2) of this section shall be in substantially the following form:

IN THE SUPERIOR COURT
OF THE STATE OF WASHINGTON
FOR THE COUNTY OF

In the Matter of the
Adoption of JANE DOE

No. _____
NOTICE

To all whom it may concern:

You are hereby notified that there has been filed in this court a petition for the adoption of the above named, praying also that there be first an adjudication that

the consent of the [father or mother] of such child is not required by law.

You are also notified that the consent of the [mother or father] of the above named, such [mother's or father's] name being, has already been given or is not required by law.

A hearing for such purpose will be had on the day of, 19.., at the hour of 9:30 a.m., at the courtroom of said superior court, at, or to such other department of the court to which said matter may be then and there transferred, when and where all persons interested shall appear and show cause why such adjudication should not be made, and why, if made, such petition should not be thereafter heard forthwith and the prayer thereof granted.

WITNESS, The Honorable, Judge of said Superior court, and the seal of said court hereunto affixed this day of, 19...

Clerk

(SEAL)

Deputy Clerk

Sec. 32. Section 10, chapter 134, Laws of 1973 and RCW 26.32.300 are each amended to read as follows:

Where a natural parent (or parents) of (~~an illegitimate~~) a child successfully petitions to have the adoption of the child set aside, the parent shall be liable to the adoptive parents (or parent) for their direct and indirect costs in supporting such child.

The term "direct and indirect costs" as used in this section shall include both actual expenditures and the value of services rendered by the adoptive parents in caring for the child.

Sec. 33. Section 11, chapter 134, Laws of 1973 and RCW 26.32.310 are each amended to read as follows:

In each action brought by a natural parent (or parents) of (~~an illegitimate~~) a child to set aside the adoption of the child, no hearing or trial on the merits of the action shall be conducted until such time as the natural parent (or parents) posts a bond equal to one hundred dollars for each period of thirty days which the adoptive parents (or parent) had custody of the child. Such bond shall be used to satisfy the adoptive parents' right under RCW 26.32.300 to compensation for support in the event the adoption is set aside.

Sec. 34. Section 1, chapter 49, Laws of 1903 as amended by section 7, chapter 134, Laws of 1973 and RCW 26.37.010 are each amended to read as follows:

Any benevolent or charitable society incorporated under the laws of this state for the purpose of receiving, caring for or placing out for adoption, or improving the condition of orphan, homeless, neglected or abused minor children of this state shall have authority to receive, control, and dispose of children under eighteen years of age under the following provisions:

(1) When the father and mother or the person or persons legally entitled to act as guardian of the person of any minor child shall, in writing, surrender such child

to the charge and custody of said society, such child shall thereafter be in legal custody of such society for the purposes herein provided.

(2) In case of death or legal incapacity of a father or his abandonment or neglect to provide for his family, the mother shall have authority to make such surrender, and in case of the death or legal incapacity of a mother, or her abandonment of such child, then the father shall have authority to make such surrender.

(3) In all cases where the person or persons legally authorized to make such surrender are not known, any judge of superior court may cause a notice of hearing to be published in any newspaper of general circulation printed and published in the county, and if he deems it best for such orphan, homeless, neglected or abused child, he may surrender it to any benevolent or charitable society incorporated under the laws of Washington and having for its object the care of such children.

(4) In cases where the child to be surrendered (~~(is illegitimate)~~) has not been acknowledged by either parent and action has not been taken to establish such relationship in accordance with sections 3 through 20 of this 1976 amendatory act, and is surrendered in writing by either parent, but not both parents, then the court shall hold a hearing on the surrender in the manner provided under RCW 26.37.015, and if the parent who has not agreed to the surrender in writing does not contest the surrender at such hearing, then such parent shall be deemed to have surrendered the child and the court shall authorize the surrender. This subsection shall not apply to or bar surrenders authorized under subsection (2) of this section.

(5) When any child shall have been surrendered in accordance with any of the preceding clauses and such child shall have been accepted by such society, then, (but not otherwise), the rights of its natural parents or of the guardian of its person (if any) shall cease and such corporation shall become entitled to the custody of such child, and shall have authority to care for and educate such child or place it either temporarily or permanently in a suitable private home in such manner as shall best secure its welfare. Such corporation shall have authority when any such child has been surrendered to it in accordance with any of the preceding provisions, and it is still in its control, to consent to its adoption under the laws of Washington. The custody or control of any such child by any such corporation or by any other corporation, institution, society or person may be inquired into, and, in the discretion of the court, terminated at any time by the superior court of the county where the child may be, upon the complaint of any person, and a showing that such custody is not in the interest of the child.

Sec. 35. Section 8, chapter 134, Laws of 1973 and RCW 26.37.015 are each amended to read as follows:

(1) Whenever one parent, but not both parents, of (~~(an illegitimate)~~) a child who has not been acknowledged by either parent and action has not been taken to establish such relationship in accordance with sections 3 through 20 of this 1976 amendatory act, surrenders the child in writing pursuant to subsection (4) of RCW 26.37.010, the surrender shall not be valid unless a petition for surrender is granted by the court in conformity with the provisions of this section. The court

shall grant such petition if the parent who did not provide the surrender in writing fails to contest the petition at the hearing held thereon.

(2) Where the court has reason to believe or suspect that any person not before the court is or might be the parent of such child, the court shall direct the clerk to issue the notice prescribed in subsection (4) of this section to such person. The notice required under this subsection shall be served in the manner provided by law for the service of summons upon the person entitled thereto at least ten days prior to the hearing. In the event that a person entitled to notice under this subsection is a nonresident of the state or cannot after diligent search be found within the state, then:

(a) If the last known place of residence of such person is known, a copy of the notice shall be deposited in the post office, postage prepaid, directed to such person at his last known place of residence.

(b) If the last known place of residence of such person is not known then notice shall be made by publication in the manner required under subsection (3) of this section and as prescribed under subsection (4) of this section.

(3) Notice by publication shall be made in every case, except where service of the notice has been made on a person who either:

- (a) acknowledges that he is a parent and the court finds him to be a parent, or
- (b) has been found to be the father pursuant to chapter 26.24 RCW.

In addition, the court may require notice by publication whenever the court believes such notice might be necessary to protect the validity of adoption proceedings and any decree of adoption. Whenever notice by publication is required, the court shall direct the clerk to publish the notice in a legal newspaper (~~printed in the county;~~) qualified to publish summons, printed in the county or counties in which in the exercise of sound judicial discretion the court determines the alleged parent is likely to reside, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-four days prior to the date fixed for the hearing. The notice shall be in the form prescribed under subsection (4) of this section.

(4) The notice required under subsections (2) and (3) of this section shall be in substantially the following form:

IN THE SUPERIOR COURT
OF THE STATE OF WASHINGTON
FOR THE COUNTY OF

In the Matter of the
Surrender of JANE DOE

No. -----
NOTICE

To all whom it may concern:

You are hereby notified that there has been filed in this court a petition for the surrender of the above-named, praying also that there be first an adjudication that the [father's or mother's] written surrender of such child is not required by law.

You are notified that the written surrender of the above-named by the [father or mother] of the above-named, such [father's or mother's] name being, has already been given or is not required by law.

You are further notified that your failure to contest the surrender of the above-named at the hearing described in this notice may result in the relinquishment of your rights to custody and control of the above-named and the adoption of the above-named.

A hearing for such purpose will be had on the day of, 19. ., at the hour of 9:30 a.m., at the courtroom of said superior court, at, or to such other department of the court to which said matter may be then and there transferred, when and where all persons interested shall appear and show cause why such adjudication should not be made, and why, if made, such petition should not be thereafter heard forthwith and the prayer thereof granted.

WITNESS, the Honorable, Judge of said Superior court, and the seal of said court hereunto affixed this day of, 19. .

Clerk

(SEAL)

Deputy Clerk

Sec. 36. Section 43.20.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 25, Laws of 1970 ex. sess. and RCW 43.20.090 are each amended to read as follows:

The state registrar shall, upon request, furnish an applicant with a certified copy of the record of any birth, death, fetal death, marriage or decree of divorce, annulment or separate maintenance, registered under the provision of law, or that portion of the record of any birth which shows the child's full name, sex, date of birth, and date of filing of the certificate, for the making and certification of which he shall charge a fee of three dollars to be paid by the applicant: PROVIDED, ((That a certified copy of the record of any birth may not disclose the fact of illegitimacy of birth, nor of information from which it can be ascertained, except upon order of the court or in cases where written notice is received from an attorney, court official, or adoption agency that the illegitimate child is to be adopted: PROVIDED FURTHER;)) That no fee shall be demanded or required for furnishing a certified copy of a birth, death, fetal death, marriage, divorce, annulment or separate maintenance record for use in connection with a claim for compensation or pension pending before the veterans administration.

For any search of the files and the records when no certified copy is made, the state registrar shall be entitled to a fee of three dollars for each hour or fractional part of an hour employed in such search, to be paid by the applicant.

The state department of health shall keep a true and correct account of all fees received and turn the same over to the state treasurer on or before the first day of January, April, July and October.

Health officers in cities of the first class may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, and shall be entitled to charge for searching of records when no certified copy is made the same fee as hereinabove provided. All such fees collected shall be paid to the jurisdictional health department: PROVIDED, That health officers of cities of the first class may issue certified copies only if they have an original certificate in their possession at the time of issuance

of a certified copy or a copy of the original certificate transmitted to the state registrar which was produced by a photographic or other exact reproduction method. Health officers of counties or districts normally served by full time health officers may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, during the period that the original certificates are in their possession prior to transmittal of the original certificates to the state registrar. All such fees collected shall be paid to the jurisdictional health department. Certified copy forms used by health officers furnishing certified copies while the original records are temporarily in their possession shall be supplied or approved by the state registrar and no other forms shall be used.

Sec. 37. Section 51.08.030, chapter 23, Laws of 1961 as last amended by section 1, chapter 65, Laws of 1972 ex. sess. and RCW 51.08.030 are each amended to read as follows:

"Child" means every natural born child, posthumous child, stepchild, child legally adopted prior to the injury, and dependent child in the legal custody and control of the claimant(~~(, and illegitimate child legitimated prior to the injury)~~), all while under the age of eighteen years, or under the age of twenty-one years while permanently enrolled at a full time course in an accredited school, and over the age of eighteen years if the child is a dependent invalid child.

Sec. 38. Section 21, chapter 5, Laws of 1961 ex. sess. and RCW 70.58.095 are each amended to read as follows:

The state registrar of vital statistics shall establish a new certificate of birth for a person born in this state when he receives a request that a new certificate be established and such evidence as required by regulation of the state board of health proving that such person has been (~~(legitimated)~~) acknowledged, or that a court of competent jurisdiction has determined the paternity of such person. When a new certificate of birth is established, the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence of paternity, or (~~(legitimation)~~) acknowledgment shall not be subject to inspection except upon order of a court of competent jurisdiction. If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed registration of birth shall be filed with the state registrar of vital statistics as provided in RCW 70.58.120.

Sec. 39. Section 6, chapter 159, Laws of 1945 as last amended by section 2, chapter 279, Laws of 1969 ex. sess. and RCW 70.58.200 are each amended to read as follows:

The forms of birth, death, fetal death, marriage, and decrees of divorce, annulment, or separate maintenance certificates filed with the state registrar of vital statistics shall include the items required by the respective standard certificate as recommended by the federal agency responsible for national vital statistics which became effective on January 1, 1968, except that no information shall be required on the certificate of divorce relative to the date the couple separated or the number of children under eighteen years of age: PROVIDED, That none of the information contained in the confidential section of the forms of marriage, divorce, annulment or separate maintenance shall be required: PROVIDED FURTHER,

That no information shall be required on the certificate of live birth relative to the education of the parents of the child. The Washington state board of health by regulation may require additional pertinent information relative to the birth and manner of delivery as it may deem necessary for statistical study. This information shall be placed in a confidential section of the birth certificate form (~~together with the item pertaining to illegitimacy~~) and shall not be subject to the view of the public or for certification purposes except upon order of a court: PROVIDED, That the state board of health may eliminate from the forms any such items that it determines are not necessary for statistical study.

Sec. 40. Section 1, chapter 133, Laws of 1939 as amended by section 1, chapter 12, Laws of 1943 and RCW 70.58.210 are each amended to read as follows:

Whenever a decree of adoption has been entered declaring a child, born in the state of Washington, adopted in any court of competent jurisdiction in the state of Washington or any other state, a certified copy of the decree of adoption shall be recorded with the proper department of registration of births in the state of Washington and a certificate of birth shall issue upon request, bearing the new name of the child as shown in the decree of adoption, the names of the foster parents of the said child, age, sex, date of birth, but no reference in any birth certificate shall have reference to the adoption of the said child. However, original registration of births shall remain a part of the record of the said board of health(~~(: PROVIDED, HOWEVER, There shall be no difference in the color of birth registration cards or certificates, whether the child be legitimate or illegitimate)~~).

NEW SECTION. Sec. 41. The following acts or parts of acts are each repealed:

(1) Sections 1 through 8, chapter 203, Laws of 1919 and RCW 26.24.010 through 26.24.080;

(2) Section 9, chapter 203, Laws of 1919, section 1, chapter 29, Laws of 1973 and RCW 26.24.090;

(3) Sections 10 through 18, chapter 203, Laws of 1919 and RCW 26.24.100 through 26.24.180;

(4) Section 19, chapter 203, Laws of 1919, section 1, chapter 134, Laws of 1973 and RCW 26.24.190; and

(5) Section 9, chapter 134, Laws of 1973 and RCW 26.28.110.

NEW SECTION. Sec. 42. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

NEW SECTION. Sec. 43. This act may be cited as the Uniform Parentage Act.

NEW SECTION. Sec. 44. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 45. The provisions of this 1976 amendatory act shall apply to all actions or proceedings which shall have been commenced at the date this act becomes effective, except that the provisions of section 13(5) of this act

relating to trial by jury, and the amendments to RCW 26.32.085(2) and 26.37.015(3) accomplished by sections 31(2) and 35(3) of this act shall not apply to actions or proceedings commenced prior to the effective date of this act.

Passed the Senate February 18, 1976.

Passed the House February 13, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 43

[Substitute Senate Bill No. 2635]

STATE PERSONNEL BOARD— APPEALS—HEARING OFFICERS

AN ACT Relating to state government; amending section 11, chapter 1, Laws of 1961 and RCW 41.06.110; amending section 12, chapter 1, Laws of 1961 and RCW 41.06.120; amending section 17, chapter 1, Laws of 1961 and RCW 41.06.170; adding a new section to chapter 28B.16 RCW; adding new sections to chapter 1, Laws of 1961 and to chapter 41.06 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 11, chapter 1, Laws of 1961 and RCW 41.06.110 are each amended to read as follows:

(1) There is hereby created a state personnel board composed of three members appointed by the governor, subject to confirmation by the senate: PROVIDED, That no member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative session unless his appointment shall have been approved by the senate. The first such board shall be appointed within thirty days after December 8, 1960 for terms of two, four, and six years. Each odd numbered year thereafter the governor shall appoint a member for a six year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be paid fifty dollars for each day in which he has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board, actually attended: PROVIDED, That after July 1, 1962, no one board member shall receive more than one thousand five hundred dollars in any fiscal year for this purpose: PROVIDED, FURTHER, That such limitation shall not apply to daily payments for the hearing of employee appeals. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the