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New Uniform Parentage Act Becomes Law in Washington State

by [Nicole Carr](#) • 14 March 2018



Earlier this week, Governor Jay Inslee of Washington signed into law an updated version of the state's Uniform Parentage Act. Written to safeguard the rights of LGBTQ and non-biological parents, the new law defines a “de facto” parent as well as allows compensation beyond medical and other expenses for surrogate mothers.

According to the law's sponsor, state Senator Jamie Pedersen, who has four children with his husband conceived through surrogacy, the bill will help parents who want to have a child through surrogacy at home in Washington State, rather than leaving the state. ([Pedersen and his husband had their children in California](#) where compensated surrogacy is already allowed.)

LGBTQ and women's groups have trumpeted the bill as a boon for their communities. Equal Rights WA, a statewide LGBTQ advocacy group, thanked Pedersen and other senators for their “[hard work](#)

[for all families.](#)” Legal Voice, a women’s rights group, [stated](#): “This law strengthens Washington law to guarantee that parents are treated the same, whether they are a same-sex or different-sex couple. It also takes important steps to help ensure that both parents will be legally recognized as parents in every state in the country.” Pedersen also stressed that the law will not only help same-sex couples, “The reality is that we have a lot of families in our state that suffer from infertility.”

According to Pedersen and other sponsors, the law basically codifies what courts have already decided in terms of custody decisions in relation to the definition of a parent. [In order to become a “de facto” parent, a person must:](#)

- Reside with the child as a member of the household for a significant period of time;
- Engage in consistent caretaking of the child;
- Undertake parental responsibilities without expecting financial compensation;
- Establish a bonded, dependent and parental relationship with the child;
- Have the relationship fostered by another parent; and
- Prove the relationship is in the best interest of the child.

But it’s the provision of the law that allows compensation to a surrogate beyond strictly medical and other pregnancy-related expenses that has gotten the law’s opponents (mainly Christians) whipped into a frenzy. What supporters see as Washington State allowing what is already legal in other states, including nearby California, religious right groups see as [monetizing wombs and legalizing so-called baby-selling](#). Some have even gone so far as to say the law [encourages child trafficking](#).

These opponents, including the groups Them Before Us and the related Family Policy Institute of Washington, consider the practice of surrogacy as the buying and selling of babies, believing that no child should be separated from their “biological” parent—even though many babies carried by surrogates are biologically related to one or both of their legal parents. In a clear scare tactic, the groups often refer [to outlier cases](#) such as the recent case of a Japanese businessman who has had multiple children carried by surrogate mothers in Thailand. They also raise the specter of child abuse committed against children by an “[unrelated cohabiting male](#)” and abuse of “[poor brown women from abroad](#)” who will apparently be shipped in as baby-makers.

On the other side, in support of the new law, are organizations like Legal Voice whose missions are focused on protecting women. They praise the Uniform Parentage Act for creating “a regulated system that allows compensated surrogacy while protecting the health, financial wellbeing, and autonomy of the women acting as surrogates.”

Versions of the Uniform Parentage Act are also being considered in at least three other states including New York, Vermont, and Rhode Island.



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