

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P. O. Box 419064, Rancho Cordova, CA 95741-9064



April 3, 2003

POP LETTER: 03-01

TO: ALL IV-D DIRECTORS
ALL IV-D PATERNITY OPPORTUNITY PROGRAM COORDINATORS
ALL HOSPITALS AND PUBLIC AGENCIES WHO ADMINISTER THE
PATERNITY OPPORTUNITY PROGRAM

SUBJECT: SIGNING PATERNITY DECLARATIONS BEFORE THE CHILD'S BIRTH

The purpose of this letter is to provide direction to all hospitals and public agency providers, of the current Department of Child Support Services (DCSS) policy regarding who may sign a declaration of paternity prior to the birth of the child.

In reviewing paternity declarations submitted the past few years, it has been determined that the process of allowing fathers to sign prior to the child's birth has been used far more than was intended by DCSS or by federal regulation. Many fathers have been allowed to sign paternity declarations in advance without any evidence that they would be unavailable at the child's birth. We are especially concerned that by signing in advance, these fathers may be limiting their rights to rescind the declaration at a later date.

Current State law is silent with regard to when a declaration of paternity can be signed prior to the birth of the child. Federal regulations require that states have procedures for a hospital-based program for voluntary establishment of paternity during the period immediately before or after the birth of a child to an unmarried mother. DCSS has encouraged hospitals to provide information about the voluntary paternity process in prenatal educational programs, so parents would have sufficient time prior to the child's birth to consider whether they wished to participate in the program. In most cases, parents who elect to sign a declaration of paternity do so at the hospital at the same time they complete the child's birth certificate.

In the past, we have informed hospitals and prenatal clinics that in the rare instances when the father indicates he will be unable to be present at the child's birth, it was acceptable for the father to sign a paternity declaration prior to the child's birth. We have always had the policy that the mother should not sign the form until the child was born and the form should never be submitted to the Department of Child Support Services prior to the child's birth.

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Therefore, we are immediately instituting the following: **Only those men on active duty, who can produce military orders showing that they cannot be present at the child's birth, can sign a declaration of paternity before the child is born.** In those instances when a paternity declaration is signed by a military service member prior to the child's birth, it should be annotated at the top of the form with the entry "**Military Member with Orders.**" This new policy will stay in effect until DCSS completes implementation of the Paternity Opportunity Program (POP) regulations.

All other fathers will be required to sign a declaration of paternity at the hospital at the time of the child's birth or later at a public agency. In no instance shall the mother of the child sign the form prior to the child's birth. The declaration of paternity form should only be submitted to DCSS after a child's birth.

We still encourage hospitals and prenatal clinics to provide information to parents-to-be about the voluntary paternity process prior to the time they come to the hospital for the birth of the child.

If you have any questions regarding the contents of this letter, please contact your POP coordinator shown on the enclosed listing. If a parent has any questions about this policy, please refer them to call our toll free number (866)249-0773 or contact us at our e-mail address: askpop@dcss.ca.gov.

Sincerely,

Patric B. Ashby
Deputy Director
Child Support Services Division

Enclosure

Paternity Opportunity Program County Assignments

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