

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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



May 3, 2002

CSS Letter No. 02-11

ALL IV-D DIRECTORS
 ALL DISTRICT ATTORNEYS
 ALL COUNTY ADMINISTRATIVE OFFICERS
 ALL BOARDS OF SUPERVISORS

SUBJECT: MANDATORY USE OF FILED DECLARATIONS OF PATERNITY IN
 CHILD SUPPORT CASES

REFERENCES: FAMILY CODE SECTION 7573 & 45 CFR 303.5(H); FSD LETTER NO
 96-01, ALL IV-D DIRECTORS LETTER, DATED OCTOBER 14, 1998, LCSA LETTER
 NO. 00-03, DATED OCTOBER 18, 2000 AND LCSA LETTER NO. 01-03, DATED
 FEBRUARY 26, 2001

This letter explains the requirements, policies, and procedures pertaining to filed declarations of paternity. All local child support agencies (LCSA) are to implement the paternity declaration policy effective immediately. Policy regarding filed declarations of paternity is based on federal regulations in 45 Code of Federal Regulations Section 303.5(h) and on federal policy. The paternity declaration policy contained in this letter also includes implementation instructions based on recommendations from the Policies, Procedures, and Practices (P3) Project's Best Practices Workgroup.

The policies and procedures regarding the use of filed declarations of paternity set forth in this letter will be incorporated into the State paternity establishment regulations currently being developed by the Department of Child Support Services (DCSS). It is important that these requirements be fully implemented since they directly impact program compliance, data reliability, Federal Financial Participation in California's child support program, meeting federal program performance standards, and LCSA statistical reporting requirements. All LCSAs not currently following the requirements set forth in this letter must immediately take steps to ensure compliance with these requirements.

DCSS-PR-2002-POP-0001

Reason for this Transmittal
<input checked="" type="checkbox"/> State Law or Regulation Change
<input type="checkbox"/> Federal Law or Regulation Change
<input type="checkbox"/> Court Order or Settlement Change
<input type="checkbox"/> Clarification Requested by One or More Counties
<input checked="" type="checkbox"/> Initiated by DCSS



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www.childsup.cahwnet.gov

Federal Regulation

Federal regulation [45 CFR 303.5(h)] requires "...in IV-D cases needing paternity establishment, the IV-D agency must first determine if a voluntary acknowledgment has been recorded in the statewide database in accordance with 303.5(g)(8) before proceeding to file for paternity establishment or administrative process." In addition to this regulation, the Federal Register (45 CFR Parts 301 – 305 , Volume 56, Number 246, dated 12-23-94) states, in part, that once the IV-D agency matches a case with a voluntary acknowledgment recorded in the State database, **it must then use that acknowledgement to seek a support order.**

State Policy - Filed Declarations of Paternity

Effective immediately, in all IV-D cases where paternity is at issue, LCSAs must review the statewide Paternity Opportunity Program (POP) database of filed declarations of paternity prior to filing a summons and complaint with the court system. DCSS now provides the updated database to LCSAs on a monthly basis.

If a declaration of paternity *is located* in the POP database:

1. Paternity has been established effective on the date the paternity declaration was filed with DCSS. The date the paternity declaration was filed is included in the statewide database. On average, data is filed with DCSS within 45 days of signature.
2. A summons and complaint must be filed by the LCSA in the court of its jurisdiction and box 3a labeled "A Voluntary Declaration of Paternity signed by the mother and father is on file with the California Department of Child Support Services" must be checked.
3. On the summons and complaint, the box labeled "Establish Parentage" must not be checked for any child having a declaration of paternity already on file in the statewide POP database.

If a declaration of paternity *is not located* in the POP database:

1. The case file must be annotated with the date the POP database was checked and that a filed paternity declaration was not located in the database.
2. A summons and complaint must be filed by the LCSA in the court of its jurisdiction and the box labeled "Establish Parentage" must be checked.

Program Compliance Reviews and Federal Financial Participation

Commencing with the compliance review period beginning January 1, 2003, a set of compliance questions will be added to the Program Administrative Section of the Compliance Review to validate that these requirements are followed in LCSA policy and practice to: 1) recognize that a filed voluntary declaration of paternity obviates the need for a legal establishment of paternity through the courts and, 2) examine the statewide POP database prior to filing a paternity action. Failure to adopt and/or follow such a policy will result in a finding of non-compliance.

Statewide POP Database

Since October 2000, all LCSAs have had access to the statewide POP database of all paternity declarations filed in California through CD ROMs that were issued on a quarterly basis. In order to assist LCSAs in timely matching IV-D cases to the POP database, in September 2001, DCSS began issuing the POP CD-ROMs on a monthly basis. The CD-ROM LCSAs received in January 2002 contains all filed declarations of paternity through the end of December 2001. DCSS, working with the PRISM Advisory Group and Requirements Analysis Workgroup, will facilitate making the check of the POP database as automated as possible. The current POP vendor contract is also being re-evaluated and alternatives considered to ensure data available on the POP declaration is maximized and that data quality standards are met.

If you have any questions about the policy and procedures contained in this letter, please contact your State POP coordinator using the contact information provided on the enclosed LCSA assignment list.

Sincerely,

PATRIC B. ASHBY
Deputy Director
Child Support Services Division

Enclosure

c: LCSA Paternity Opportunity Program Coordinators

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