



CSSD Policy			
Subject:	Paternity Establishment When the Alleged Non-Custodial Parent is Deceased	Number:	2010-6
Approval Date:		Pages:	
Approved By:	Benidia A. Rice, Director	Revision	Revision - #2

- I. **PURPOSE:** To establish paternity when the alleged non-custodial parent deceases, in the District of Columbia, prior to an adjudication of paternity.
- II. **AGENCY IMPACT:** This policy impacts various units of CSSD, with particular attention to Intake 1, Intake 2, First Response and Interstate Units and the Legal Services Section.
- III. **REFERENCES:** 45 C.F.R. § 303.5 Establishment of Paternity; 45 C.F.R. § 303.7 Provision of Services in Interstate Cases; D.C. Official Code § 16-909.01, Establishment of paternity by voluntary acknowledgment and Based on Genetic Test Results; D.C. Official Code § 16-909, Proof of child’s relationship to mother and father; D.C. Official Code § 16-907, Parent and child relationship defined; D.C. Official Code § 16-2342, Who may bring a complaint: time; D.C. Official Code § 16-2343, Tests to establish parentage; D.C. Official Code § 16-2343.01, Admissibility of Tests; 28 D.C. Municipal Regulations 50, Office of the Chief Medical Examiner.
- IV. **INQUIRIES:** Direct all inquiries to Intake 2 Unit, (202) 724- 5587; Intake 1 Unit, (202) 724-5192; Interstate, (202) 724-4215; First Response Unit, (202) 724-8562; Legal Services Section, (202) 724-6529; and Policy, Outreach & Training Section, (202) 724-2131.
- V. **POLICY:**
 - A. **CASES PROCESSED IN THE INTAKE 1, INTAKE 2, FIRST RESPONSE AND INTERSTATE UNITS**

Where paternity has not been established, federal law charges all IV-D agencies to establish paternity of a child born out-of-wedlock in TANF cases and in Non-TANF cases where IV-D services have been requested. However, when the alleged non-custodial parent dies before an adjudication of paternity can be made, this goal may be impractical to achieve. Therefore, when applicable, a Support Enforcement Specialist (“Specialist”) in the Intake 1, Intake 2 and Interstate Units will prepare and fax an Administrative Subpoena to the OCME, requesting the retrieval and transport of a DNA specimen of the deceased alleged non-custodial parent to the contracted genetic

laboratory for testing. Upon receipt of confirmation from the laboratory that the specimen is usable for genetic testing, the Specialist will prepare and mail an Order for Genetic Testing to the custodial parent, directing the custodial parent to submit the child(ren) for genetic testing. The Specialist will confirm that genetic testing of the child occurred and prepare a petition, which will be transferred to the Legal Service Section for filing upon receipt of the genetic test result. In instances where the results exclude the deceased party as the father, the Specialist will commence case closure in accordance with the CSSD Case Closure Policy.

In instances where a customer informs a Program Specialist in the First Response Unit that the alleged non-custodial parent has died, the Program Specialist will conduct a search on DCCSES to determine the status of the case. The Program Specialist will refer the case to the appropriate unit depending on the current status of the case to apply the policy and procedure herein.

B. CASES PROCESSED IN THE LEGAL SERVICES SECTION

that the In instances where the Court orders genetic testing and it is believed

Non-custodial parent is deceased, the Case Coordinator will prepare and fax an Administrative Subpoena to the OCME, requesting the retrieval and transport of a DNA specimen of the deceased alleged non-custodial parent be transported to the contracted genetic testing laboratory. Upon confirmation from the laboratory that the specimen is usable for testing, the Case Coordinator will prepare and mail a Letter for Genetic Testing to the custodial parent, directing the custodial parent to submit the child(ren) for testing, if s/he has not already done so. The next business day after the scheduled testing date, the Case Coordinator will contact room JM-175 in D.C. Superior Court to confirm that the child(ren) submitted for testing. The Case Coordinator will also obtain the FIL# (a number assigned by the testing site to identify the DNA specimen) at this time. If the FIL# is not available, the Case Coordinator will proceed to prepare the Notice of DNA Specimen of Custodial Parent and Child and fax the Notice to the laboratory. The Case Coordinator will inform the assigned Assistant Attorney General (“attorney”) of the genetic test results upon receipt. In instances where the results exclude the deceased party as the father, the Case Coordinator will commence case closure in accordance with the “CSSD Case Closure Policy.”

C. UNIT/SECTION RESPONSIBILITIES

1. Support Enforcement Specialists in the Intake 1, Intake 2 and Interstate Units are responsible for processing these cases when the death of the non-custodial parent is known or the non-custodial parent believed to have died prior to the initiation of a new paternity case.

2. Program Specialists in the First Response Unit are responsible for forwarding such cases to the appropriate unit for follow-up in accordance to this policy and procedure.

3. The Case Coordinator in the Legal Services Section is responsible for processing these cases when the non-custodial parent dies after a petition has been filed with the court. The Case Coordinator is responsible for receiving all genetic test results. The Case Coordinator will file petitions received from the Intake 1, Intake 2 and Interstate Units in accordance with the policy and procedure herein.