



CSSD Policy			
Subject:	<b>Free Genetic Testing for Minors Policy</b>	Number:	<b>2010-17</b>
Approval By:	<b>Benidia Rice</b>	Pages:	
Approved Date:		Revision	

I. **PURPOSE:** To define and clarify Child Support Services Division’s (CSSD) policy concerning genetic testing by determining instances where CSSD will both consent to and waive fees for genetic testing to minor putative fathers.

II. **AGENCY IMPACT:** This policy will impact all units/sections of CSSD but will have particular impact on the following units/sections: Legal Services Section, Policy, Outreach, and Training Section, First Response Unit, Intake Units I and II.

III. **REFERENCES:** 42 U.S.C.A. § 652, Duties of Secretary 42 U.S.C.A. § 654., State plan for child and spousal support; 42 U.S.C.A. § 666., Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement; 42 U.S.C.A. § 668., Encouragement of the states to adapt simple civil process for voluntarily acknowledging paternity and a civil procedure for establishing paternity in contested cases; 45 C.F.R. § 303.5., Establishing paternity and securing support; D.C. Official Code § 16-909., Proof of child’s relationship to mother and father; D.C. Official Code § 16-909.01., Establishment of paternity by voluntary acknowledgement and based on genetic test results; D.C. Official Code § 16-909.02., Full faith and credit to paternity determinations of other states; D.C. Official Code § 16-919.01., Child Support Guideline; D.C. Official Code § 16-2342.01., Voluntary acknowledgement of paternity; D.C. Official Code § 16-2343., Tests to establish parentage; D.C. Official Code § 16-2343.01., Admissibility of tests; D.C. Official Code § 16-2343.03.,<sup>3</sup> Default Order. Child Support Services Division 2009-31, Genetic Testing Policy.

IV. **DEFINITIONS:**

- A. **Adjudication of Parentage:** A judgment entered by a court that constitutes a legal finding of parentage.
- B. **Administrative Genetic Testing:** Administrative testing occurs when CSSD offers testing to the parties, rather than the court’s issuing a judicial order ordering the parties to obtain genetic testing. Positive test results alone do not establish paternity. The parties must go to court so that the judge can adjudicate paternity and order the father to pay the costs of the test, if appropriate.
- C. **Deoxyribonucleic (DNA) Testing:** Is one of the methods used for determining paternity. DNA evidence is considered conclusive evidence of paternity in the District of Columbia.
- D. **Genetic Testing:** Scientific analysis of inherited factors to determine biological relationships.

- E. **Minor Father:** For the purpose of this policy, a minor putative father is one who nineteen (19) years of age or younger at the time genetic testing is requested.<sup>1</sup>
  - F. **Putative Father:** The person alleged to be the father of a child, but who has not yet been legally declared to be the father.
  - G. **Voluntary Acknowledgment of Paternity (AOP):** A means in which unwed parents and persons who are not in a registered domestic partnership can establish paternity. The parents must sign an AOP form, which must be sworn under oath and notarized. If the parents submit to genetic testing an AOP is not needed.
- V. **INQUIRES:** Direct all inquires to Policy, Outreach , and Training Section, (202) 724-2131; Legal Services Section, (202) 724-6529; Intake Unit I, (202) 724-5587; Intake Unit II, (202) 724-5192; First Response Unit (202) 724-8562.
- VI. **POLICY:**
- A. **CSSD will permit administrative genetic testing for minors in certain instances.**
    - 1. Administrative genetic tests are appropriate in the following situations:
      - a. The minor putative father is nineteen (19) years of age or younger,
      - b. The father needs to add his name to the child’s birth certificate so he can enroll the child into school,
      - c. The father needs to add his name to the child’s birth certificate so he can add the child onto his current or future health insurance policy,
      - d. If the mother is deceased, incarcerated, or in some way absent, the father may request an administrative genetic test. If he has a case already open against the mother, then CSSD will pay the genetic testing fee.
        - i. If a case does not already exist in the system, CSSD will not be able to provide the minor putative father with free genetic testing.
      - e. A custodial parent who is not on TANF wants to establish paternity but not child support.
      - f. When the alleged non-custodial parent is deceased. *See Policy Number 2010-6.Paternity Establishment when the Alleged Non-custodial Parent is Deceased,* for details.
  - B. **CSSD will consent to and pay for a genetic test when requested by the minor putative father if the following exist:**
    - 1.The minor putative father nineteen (19) years of age or younger;
    - 2.There is no prior establishment of paternity/parentage by the District of Columbia or another state;
    - 3.Genetic testing has never been conducted and paternity has not otherwise been conclusively established; and
    - 4.The putative father’s name does not appear on the child’s birth certificate.
  - C. **CSSD will not object to, but will oppose the payment of, a genetic test in the following instances:**

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<sup>1</sup> It was decided that the minor putative father should be nineteen (19) years of age or younger if he wants to participate in CSSD’s Free Genetic Testing for Minors Initiative. Although one ceases to be a minor when s/he turns eighteen; many children are still financially dependent on their parents at that age. Therefore, it was decided that we should give minor putative fathers until the age of nineteen; allowing them to become more financially independent.

1. The Respondent challenges the results of the first test before an adjudication of paternity has been entered. The respondent has the legal right to request the second test, but must pay for the test in advance.
2. The mother challenges the results of the first genetic test. Although she does not have the legal right, the mother may request the second test and if her request is granted, she must pay for the test in advance.<sup>2</sup>

**D. CSSD will oppose any request for genetic testing in instances where paternity has already been conclusively established such as:**

1. DC Superior Court, Family Division or a court in another state has adjudicated paternity; or
2. Genetic test results from a court-approved laboratory indicate at least a 99% probability that the putative father or another man is the biological father of the child; or
3. The putative father's name appears on a birth certificate issued by the District of Columbia on or after December 23, 1997.
4. The putative father voluntarily acknowledged paternity in writing and under oath in the District of Columbia in accordance with the conditions set forth in D.C. Official Code §16-909.01(a)(1), and has not made a legally binding rescission of the acknowledgement in accordance with D.C. Official Code §16-909.01(a-1); or
5. Paternity has been adjudicated or voluntarily acknowledged in accordance with the jurisdictional and/or procedural requirements of another state; or
6. Artificial Insemination when both parents consent in writing, to be the legal parents.

**E. CSSD will oppose any request for genetic testing in instances where paternity has already been presumptively established. Instances where paternity has been presumptively established include:**

1. The child was born while the mother and putative father were married, or within three hundred (300) days after the termination of the marital relationship (*i.e.*, death, annulment, divorce, or court ordered separation).
2. The putative father acknowledged paternity in writing, but not necessarily under oath.<sup>3</sup>
3. The mother is or was in a registered domestic partnership at the time the child was conceived, born or between conception and birth or within three hundred (300) days after its termination.

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<sup>2</sup> Due to past practices and judicial discretion, Judges presiding over child support cases have granted CP's requests for a second genetic test. For this reason, it was decided to leave the language in the policy pertaining to custodial parents requesting a second genetic test in the policy.

<sup>3</sup> Although this provision exists, the Office of Attorney General for the District of Columbia Child Support Services Division does not establish paternity using this method.