



CSSD Policy			
Subject:	Non-Custodial Parent Seeks to Establish Parentage	Number:	2011-19
Approval Date:		Pages:	
Approved by:	Benidia A. Rice, Director	Revision	

PURPOSE: To outline when a male non-custodial parent can apply for IV-D services to petition the court to establish that he is the father of the child.

AGENCY IMPACT: This policy will impact all units/sections of CSSD but will have particular impact on the following units/sections of CSSD: Legal Services Section and Intake Units 1 and 2.

REFERENCES: D.C. Official Code §§ 16-312, Legal effects of adoption; 16-909, Proof of child's relationship to mother and father; 16-909.01, Establishment of paternity by voluntary acknowledgement and based on genetic test results; 16-909.02, Full faith and credit to paternity determinations of other states; 16-916.03, Proceedings in which child support matters may be considered; 16-2342.01, Voluntary acknowledgement of paternity; 16-2343, Tests to establish parentage; 16-2343.01, Admissibility of tests; 16-2343.03, Default Order; 45 CFR 302.31, Establishing Paternity and Securing Support.

DEFINITIONS:

- A. **Adjudication of Parentage:** A judgment entered by a court that constitutes a legal finding of parentage.
- B. **Genetic testing:** Scientific analysis of inherited factors to determine biological relationships.
- C. **Deoxyribonucleic acid (DNA) Testing:** A method of determining parentage that is used by the testing lab with whom CSSD contracts for services and is considered conclusive evidence of parentage in the District of Columbia.
- D. **Putative Father:** the person alleged to be the father of a child, but who has not yet been legally declared to be the father.
- E. **Vital Records Liaison:** CSSD staff member from the Application Development Unit who spends part of the week at the Vital Records Division office. The liaison responds to inquiries about parentage establishment from the Intake Units 1 and 2.
- F. **Voluntary Acknowledgement of Parentage:** a legal document that a putative father may sign voluntarily in order to assume legal parentage of a child(ren). Parties do not need to undergo genetic testing in order to execute an acknowledgement.

INQUIRIES: Direct all inquiries to the Policy, Outreach, and Training Section, (202) 724-2131; the Legal Services Section, (202) 724-6529; the Intake Units 1 and 2, (202) 724-5192; or the Interstate Unit (202) 724-4215.

POLICY:

When a male alleged non-custodial parent (applicant) approaches CSSD wishing to establish parentage, CSSD will evaluate the request and provide services to the applicant if possible.

CSSD can not file a case in court for parentage establishment if any of the following are true:

- The acknowledgement of parentage (AOP) lists another father for the dependent party (i.e., child) in question.
- The acknowledgement of parentage (AOP) already lists the man who came in to establish parentage as the father.
- The dependent party was born of a marriage or within 300 days of the termination of marriage. (See all D.C. Official Code §§ 16-909, Proof of child's relationship to mother and father.)
- Parentage has been established for the dependent party via a court order.
- Child born of incest or rape.
- The dependent party was adopted.
- The child was born of a domestic partnership.

If the Intake 1 or 2 Manager decides the case should be opened, CSSD should contact the custodial parent and inform her that CSSD will file a case for parentage and/or support, and contact the non-custodial parent and inform him that CSSD will file a case for parentage and/or support and instruct the non-custodial parent to come in so that he can pay the \$5 fee and the case can be opened.

If the applicant and the mother agree that he is the father of the child, they may sign an Acknowledgement of Parentage (AOP).

If the mother and applicant do not sign an AOP, the CSSD files the petition.

The mother may decide at this stage that she wants to establish support. If she decides before the petition is filed, have her pay the \$5 fee and process a normal case. If she decides at court, the court should set up a non-IV-D monetary obligation. Legal Services Section staff should tell her that she can apply for IV-D services and pay the \$5 fee by visiting CSSD. If she decides after the hearing, the case opened by the man will be closed. The woman may go to CSSD and pay the \$5 fee and apply for services. CSSD should reopen the case, write the existing docket number on the petition, and file a new petition for support.

At the hearing LSS will seek to establish parentage and/or support. At the hearing the parties may just want to establish parentage. LSS will make the argument on the record that it is in the best interest of the child to establish support.

From the child support guidelines: 16-916.01(b) In every action for divorce or custody, and in every proceeding for protection involving an intrafamily offense, instituted pursuant to Chapter 10 of Title 16, where a party has a legal duty to pay support to another party, the judicial officer shall inquire into the

parties' child support arrangements. If the party entitled to child support has not requested support, or if the parties have agreed against the entry of a support order, the judicial officer shall advise the parties, regardless of whether they are represented by counsel, of the parties' entitlement to receive and obligation to pay child support under the guideline.

If the court agrees to only establish parentage, LSS should note this so that the case can be closed.

There may be cases where the one party lives in the District and the other lives in another state. If the NCP lives in D.C. but the CP lives in another state and will not voluntarily cooperate, CSSD will attempt to use long-arm jurisdiction to proceed with the case. If CSSD is unable to use long-arm jurisdiction to proceed with the case, then CSSD will send the case to the other state.

If the applicant submits to CSSD the \$5 fee and a previously completed application, CSSD should open a case for him. (If he does not submit the \$5 fee with the application, CSSD can determine whether it is appropriate before opening a case.)

There may be cases where the applicant is the custodian and the mother can not be located or is deceased. CSSD should open the case, send for administrative genetic testing, and if the test does not exclude the applicant as the father, files a petition for parentage.