

Child Support - Paternity

Report on State Child Support Enforcement Performance Penalties

PATERNITY ESTABLISHMENT

For the paternity establishment percentage, which is set in statute, the penalty is triggered by not meeting a required level of improvement. The percentage of improvement required varies with the performance level, for a State with a PEP at 39% and below, a six percent increase is required to avoid the penalty. The increase needed to avoid a penalty decreases with higher PEP scores until a State reaches a 90% or higher PEP where the penalty is avoided without an increase in performance. PRWORA allows States the option of using either one of the following two indicators:

1. IV-D Paternity Establishment Percentage.

Equation:

$$\frac{\text{Total \# of Children in IV-D Caseload in the FY or, at the option of the State, as of the end of the FY with Paternity Established or Acknowledged}}{\text{Total \# of Children in IV-D Caseload as of the end of the preceding FY who were Born Out of Wedlock}}$$

2. Statewide Paternity Establishment Percentage.

Equation:

$$\frac{\text{Total \# of Minor Children in the State with Paternity Established or Acknowledged During the FY}}{\text{Total \# of Children in the State Born Out of Wedlock During the Preceding FY}}$$

PEP	Increase Required over Previous Year's PEP	Penalty if Increase Not Met
90% or more	None	No Penalty
75% to 89%	2%	1% TANF Funds
50% to 74%	3%	1% TANF Funds
45% to 49%	4%	1% TANF Funds
40% to 44%	5%	1% TANF Funds
39% or less	6%	1% TANF Funds



dross @ acf.dhhs.gov
02/11/98 06:34:00 PM

Record Type: Record

To: cynthia a. rice

cc:

Subject: Re: Federal Licenses

Forwarded to: internet[cynthia_a._rice@oa.eop.gov]

cc: Debra L Pontisso@OCSE.OASP.SP@ACF.WDC

Comments by: David G Ross@OCSE.OD@ACF.WDC

Comments:

Here is the answer to your questions regarding the paternity handbook. I will get you a copy when it is ready.

----- [Original Message] -----

David,

Michelle and I chatted about the request from Cynthia Rice.

The request relates to a project that Debra Pontisso has been working on...a resource handbook. It is to be a series of state profiles on policies and program activities related to paternity establishment. Right now, it is expected to be an in-house document rather than a major public document. Debra is preparing a request for information from the Regions asking for the information. Anticipated final product date is May.

Please let us know if there is anything further you need.

David

Original Text

From: David G Ross@OCSE.OD@ACF.WDC, on 2/9/98 7:01 AM:

Forwarded to: David H Siegel@ocse.dcs

cc:

Forwarded date: 2/9/98 7:01 AM

Comments by: David G Ross@OCSE.OD@ACF.WDC

Comments:

Do we know what she is talking about?

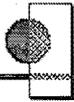
----- [Original Message] -----

Original Message date: 2/8/98 2:07 PM

Original from: <Cynthia_A._Rice@oa.eop.gov>@ACF.WDC

Original to: David G Ross@OCSE.OD@ACF.WDC

Message Creation Date was at 8-FEB-1998 14:07:00



Cynthia A. Rice

02/08/98 02:07:40 PM

Record Type: Record

To: dross @ acf.dhhs.gov @ INET @ LNGTWY
cc:
bcc: Records Management
Subject: Re: Federal Licenses 

Thank you.

On another, but related, topic, as I recall, OCSE had a paternity establishment resource handbook that you planned to release this month. What's the timetable for that release? Could you fax a copy to me at 456-7431?
dross @ acf.dhhs.gov



dross @ acf.dhhs.gov
02/06/98 10:45:00 AM

Record Type: Record

To: cynthia a. rice
cc:
Subject: Federal Licenses

As you requested, attached is a list of federal licenses that might be subject to either suspension or denial. Much more work needs to be done by the legal staff of the various agencies and departments before we could actually ask the President to promulgate an executive order.

The listing is a result of searches of the U.S. Code, Code of Federal Regulations, and other resources. While many of the ninety-two licenses listed are archaic and unlikely to prove effective as enforcement tools, this is at least an appropriate starting point for discussions with other federal agencies to identify federal powers which might be used to encourage compliance with child support orders.

Thank you. David Gray Ross. 202 401 9369.

12/19

Paternity work group

- * resource handbook for states - in February
- national video
- national training video
- 2 new brochures
- TTA mtgs w/ states
- compendium of model agreements

[Return to OCSE Home Page](#)

CR -
FUI, in case you
hadn't seen.
AK

ACTION TRANSMITTAL

OCSE-AT-98-02
January 23, 1998

TO: STATE AGENCIES ADMINISTERING CHILD SUPPORT ENFORCEMENT PLANS APPROVED UNDER TITLE IV-D OF THE SOCIAL SECURITY ACT AND OTHER INTERESTED PARTIES.

SUBJECT: Required Data Elements for Paternity Acknowledgement Affidavits

REFERENCES: Sections 452(a)(7) and 466(a)(5)(C)(iv) of the Social Security Act as added by section 331 the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193)

PURPOSE: Section 452(a)(7) of the Social Security Act (the Act) as amended by section 331 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) requires the Secretary of the Department of Health and Human Services to specify the minimum requirements of an affidavit to be used for the voluntary acknowledgment of paternity which shall include the social security number of each parent. In addition, section 466(a)(5)(C)(iv) of the Act as amended by section 331 of PRWORA requires States to enact laws requiring the development and use of an affidavit for the voluntary acknowledgment of paternity which includes the minimum requirements of the affidavit specified by the Secretary and to give full faith and credit to such an affidavit signed in any other State according to its procedures.

This action transmittal establishes the minimum data elements and information requirements that must be included in all State paternity acknowledgment affidavits.

BACKGROUND: In 1996, the Department of Health and Human Services established a task group composed of Federal and State staff to recommend minimum data elements and information requirements for all State paternity acknowledgment affidavits. Federal staff were drawn from the Office of Child Support Enforcement's central and regional offices and from the Federal Vital Statistics agency and State staff from several State Child Support agencies and one State Vital Statistics agency. We also sought input from advocacy groups. The task group completed its work in the spring of 1997.

Throughout their deliberation process, the task group sought to balance the need for a paternity acknowledgement affidavit that could serve as a tool for collecting important information that could be used in the establishment of a child support order at a future date, and the need for a form that is user-friendly and addresses only the basic data elements necessary to establish legal paternity.

The task group studied affidavits or acknowledgment of paternity forms from every State to identify information requirements commonly used by the majority of States. They classified data elements as either required or optional, always taking into consideration the very real possibility that an overly-prescriptive paternity acknowledgement affidavit could actually discourage parents from signing the form.

In addition, we published the proposed data elements in the Federal Register (62 FR 39246) requesting comments on the proposed minimum data elements as well as information collection activities to comply with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995. A second notice requesting comments was published in the Federal Register (62 FR 61512).

Required Data Elements

Based on the work of the task group and the comments received in response to the Federal Register notice, the following data elements are the minimum requirements of a paternity acknowledgement affidavit:

- Current full name of mother, father and child;
- Social security number of mother and father;
- Date of birth of mother, father and child;
- Address of mother and father;
- Birthplace of child;
- A brief explanation of the legal significance of signing a voluntary paternity affidavit and a statement that both parents have 60 days to rescind the paternity acknowledgement affidavit;
- A clear statement signed by both parents indicating they understand that

signing the paternity acknowledgement affidavit is voluntary and that they understand what their rights, responsibilities, alternatives and consequences are;

- Signature lines for mother and father; and
- Signature lines for witnesses or notaries.

Optional Data Elements

The task group felt that some other items were also important and that these items should be optional for a State to include. Among the optional data elements are some that the task group felt should be strongly recommended. These include:

- Sex of child: This information would aid in identification of the child;
- Father's Employer; and
- Maiden Name of Mother.

The complete list of required and optional data elements appears in Appendix A. Of course, a State is free to include additional items in its voluntary acknowledgment of paternity affidavit.

The Office of Management and Budget has reviewed and approved this information collection and has assigned it Control Number 0970-0171.

INQUIRIES: Inquiries should be directed to the appropriate Administration for Children and Families (ACF) Regional Administrator.

David Gray Ross
Deputy Director
Office of Child Support
Enforcement

Appendix A

REQUIRED DATA ELEMENTS

**OPTIONAL DATA
ELEMENTS**

1. Current Full Name

(mother, father and child)

2. Social Security Number

(mother and father)

3. Date of Birth

(mother, father and child)

4. Address

(mother and father)

6. Birthplace - child

(city, county & state)

7. Legal Finding (60 day recision)**8. Rights and Responsibilities,
Alternatives and Consequences****9. Signature Lines for Parents****10. Notary Seals/Witnesses:
Signature Lines****1. Daytime Phone Number**

(mother and father)

**2. Birthplace - mother and
father**

(city, county & state)

3. Hospital of Birth

(child)

4. Sex of Child**5. Father's Employer****6. Ethnicity of Father****7. Medical Insurance****8. Maiden Name of Mother****9. Place Where Acknowledgment
or Affidavit Was Completed****10. Offer of Name Change**

(child)

**11. Minors: Signature Line for
Guardian Ad Litem or Legal
Guardian**

**12. Three-Way Signature
Offered on Form**

(husband, wife, and biological
father)

**13. An advisory to parents that
they may wish to seek legal
counsel or obtain a genetic test
before signing**

**14. A statement concerning the
custody status of the child
vis-a-vis State law**

OMB Control Number: 0970-0171

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WASHINGTON IN BRIEF

Wednesday that would overhaul federal housing policy and increase money for the homeless, but restrict spending on global warming and other environmental programs.

The legislation, which awaits Senate action, already has been targeted for a likely presidential veto.

The spending bill includes a broad Republican-written overhaul of the nation's 60-year-old public housing laws to make evictions from public housing easier and require residents to perform community service.

Panel Wants Head Start Changes

The House Education and the Workforce Committee voted Wednesday to prohibit Head Start programs from enrolling children of single mothers if the mothers do not

identify the fathers or cooperate with state agencies in trying to establish paternity for those children. Republicans said the requirement would encourage absent parents to pay child support. The committee also added a provision that would provide vouchers to Head Start families under certain circumstances to pay for child care in non-Head Start facilities.

Several children's advocacy groups protested that the paternity requirement would alienate parents from their Head Start providers.

Democrats Hold Up Treasury Bill

Senate Democrats yesterday held up a major spending bill to prevent what they said was Republican retribution against a Federal Election Commission official. Angry

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