

PATERNITY ESTABLISHMENT

Voluntary Paternity Acknowledgement and Records

CS 601.2

SUPERSEDES

CS 601.2, Voluntary Paternity Acknowledgment and Records, July 17, 2014

REFERENCES

MCA §§ 40-6-105, 50-15-210; 45 CFR 302.70(a) (5) and 303.5(g)

Policy

This section describes the procedures for creating and filing voluntary paternity records, the overall role of the Child Support Services Division (CSSD) within the state voluntary paternity acknowledgment process, and the procedures by which Montana complies with federal child support enforcement requirements for voluntary paternity establishment.

Caseworkers and administrative staff should refer to information in this section when taking required actions and when locating or evaluating voluntary paternity records. Procedures in this section are given for two separate processes:

I. Hospital Paternity Acknowledgment

II. Direct-File and Withdrawal of Paternity Acknowledgment

The first process involves direct CSSD actions; the second process is the direct file of a paternity acknowledgment requiring only a small amount of support by the CSSD. It is important for the caseworker to understand both of these processes in managing voluntary paternity cases and issues efficiently.

The following procedures include some actions taken by non-CSSD agencies. These actions represent only the CSSD's general understanding of the agencies' operations and are not intended to prescribe specific steps or policies for those agencies.

I. Hospital Paternity Acknowledgment

CSSD CENTRAL OFFICE

1. Supplies and updates paternity acknowledgment material to hospitals as needed. Materials include, a letter of explanation to parents, paternity acknowledgment forms, and booklets describing parental rights and responsibilities in acknowledging paternity.

If the Notice of Withdrawal of Paternity Acknowledgment form is required it can be obtained from the Vital Statistics Bureau (VSB).

NOTE:

Other agencies that may have contact with unmarried parents. Examples of other agencies that may have contact with unmarried parents are social programs concerned with maternal and child health; judicial agencies such as the district courts; and not-for-profit legal assistance or parents' rights groups.

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Vital Statistics Bureau

2. Trains hospitals in the use of the electronic birth system. If the paternity papers are not filed on time contacts the hospital.

Hospital Staff

3. Upon the birth of a child to unmarried mother, provides paternity acknowledgment material to both parents, or to the mother if the father not present, and explains the opportunity for voluntary paternity acknowledgement. If either parent requests information not contained in written material, refers parents as follows:
 - a. For questions about properly completing the acknowledgment form, refers parents to the VSB or the CSSD.
 - b. For questions about paternity establishment, refers parents to the CSSD.

CSSD Regional Administrative Staff

4. Receives and answers questions from parents about obligations and benefits of paternity establishment.

Hospital Staff

5. Allows time for parents to read and consider acknowledgment information, then proceeds as follows, coordinating with actions in step 6:
 - a. If parents are willing to sign the paternity acknowledgment at any time during mother's hospital stay, assists in completion of the form if necessary, and notarizes signatures on the acknowledgment.
 - b. If parents are not willing to sign the acknowledgment during mother's hospital stay, advises parents they may still acknowledge paternity by sending the completed, notarized acknowledgment directly to the VSB at the address on the form. Proceeds to step 6 for birth certificate only.
6. Enters birth information on the state system and creates certificate of live birth for electronic access by the VSB. Obtains the mother's signature on paper copy, attaches signed paternity acknowledgment, and sends to the VSB.

Vital Statistics Bureau

7. Receives, registers, and assigns a number to the electronic birth certificate. Receives the signed hard copy original birth certificate, reviews for conformance to state requirements; signs and dates, makes a copy and sends to the clerk and recorder in the county of the birth.

CSSD Administrative and Fiscal Units

8. CSSD Fiscal Unit processes paternity acknowledgements by arranging payment to hospitals for copies of paternity acknowledgements sent. Then forwards the acknowledgments to the CSSD Interstate Unit for filing.

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CSSD Birth Record Request Process

Caseworker

1. Completes CS 602-1D Request for Birth Records and forwards to the regional administrative supervisor.

Regional Administrative Supervisor

2. Upon receipt of the request the administrative supervisor, checks the date of birth for the child. If the child was born within 6 months of the receipt date the birth record may not yet be in the Perceptive system. The request must be held and the reason for the hold case noted.

Requests for children born in 2018 or after are retained by the regional supervisor and must be fulfilled within 2 working days of receipt, unless the request is for a child born before 2018. Requests for children born before 2018 must be scanned and daily sent to the CSSD Central Office in Helena office for fulfillment.

All requests for birth records must be searched for in the putative father registry. If not found and the child was born in Montana in 2018 or later, uses the Vital Statistics database to retrieve the file number. The file number is used in the Perceptive system to access the paternity acknowledgement.

Those requests that cannot be fulfilled by the regional office must be scanned (duplexed) and sent to the central office for fulfillment within 5 working days of receipt. Enters a case note for each request sent to the central office. If appropriate the case note includes the reason the request could not be fulfilled along with any other relevant information that may facilitate the finding of the birth record. All requests to the central office must be sent to the HHSCS8@mt.gov mail box via Montana File Transfer Service (ePass).

Interstate/Central Office Administrative Supervisor or designee

3. Daily collects requests for birth records from the HHSCS8@mt.gov mailbox. There are 10 days from receipt of the request to perform a search as outlined below. A response to the regional office regarding the results of the search is required within 60 days of receipt.

Upon receipt of the request the administrative supervisor checks the in-house paternity acknowledgements. If not found and the child was born in 2018 or later, searches the Vital Stats database and Perceptive system. If unsuccessful or the child was born before 2018 attempts to fulfill the request by searching microfiche at the Vital Statistics Office.

Enters a case note for each request regarding the search result. Then scans it (duplexed) and sends it to the regional office mailbox via ePass.

NOTE:

Certified copies. VSB will provide up to three certified copies free of charge. The CSSD is charged for any additional copies. The Interstate/Central Office requests one certified copy at a time.

II. Direct-File and Withdrawal of Paternity Acknowledgment

CSSD Administrative Unit

1. Supplies and updates paternity acknowledgment material to hospitals as needed. Materials include, a letter of explanation to parents, paternity acknowledgment forms, and booklets describing parental rights and responsibilities in acknowledging paternity.

If the Notice of Withdrawal of Paternity Acknowledgment form is required it can be obtained from the Vital Statistics Bureau (VSB).

Vital Statistics Bureau or Appropriate Public Agency

2. Upon direct request of either parent for assistance with voluntary paternity acknowledgment, provides booklet and forms described in step 1.

NOTE:

Acceptable Filing Routes. Paternity Acknowledgments not submitted through the hospital at the time of birth may be submitted by the parents directly to the VSB.

The Notice of Withdrawal of Paternity Acknowledgment must be submitted directly to the VSB within 60 days after the date the associated Paternity Acknowledgment was signed.

CSSD Regional Administrative Staff

3. Receives and answers any questions from parents about obligations and benefits of paternity establishment.

Vital Statistics Bureau

4. Upon receipt of acknowledgment or timely withdrawal containing necessary notarized signatures, makes appropriate entries to, and files documents with, existing birth records. For an acknowledgment that cannot be filed with existing birth records (child not born in Montana, or other reason), files in separate paternity acknowledgement registry.