

PATERNITY ESTABLISHMENT
Notification of Paternity Claim

CS 601.3

SUPERSEDES

[New Section]

REFERENCES

MCA§40-5-232(6)

Policy

In 1997, the Legislature modified MCA § 40-5-232 to require the CSED to notify alleged fathers of a paternity claim made against them. This notification must occur “promptly,” and must be made without regard to whether or not there is sufficient evidence to commence a paternity action. Notification should be made once the alleged father is located.

The statute limits this requirement only to situations where the claimant/custodian is the child’s mother. Thus, this notice is not issued when a third-party custodian opens a case.

Additionally, the CSED is required to provide notice “in a manner that places the demands of individual privacy above the merits of public disclosure.” For that reason, notices addressed to an alleged father should be mailed in an envelope marked “Personal and Confidential.”

Procedures for Caseworker

1. **As a part of the case opening procedures**, a “Notification of Paternity Claim Letter,” form CS-601.3A, must be sent promptly to any located man named on a referral or application as a possible father of a child. **If the named man is not located**, notification must occur as soon as he is located.
2. **At any time after case opening** a located man is identified by the child’s mother as a possible father, the notification must be promptly sent. Again, if the named man is not located, notification must occur as soon as he is located.
3. If a man who received a “Notification of Paternity Claim Letter” is later determined not to be a possible father by reason of another man’s genetic test, or if the case is closed without resolution of the paternity claim, a “Paternity Claim Follow-Up Letter,” form CS-601.3B, should be mailed to each alleged father whose only contact with the CSED was the “Notification of Paternity Claim Letter.” This letter must also be sent in an envelope marked “Personal and Confidential.”