



# CHILD SUPPORT SERVICES DIVISION PATERNITY ESTABLISHMENT

## Voluntary Paternity Acknowledgment and Birth Records

CS 601.2

### **SUPERSEDES**

CS 601.2, Voluntary Paternity Acknowledgment and Records, July 29, 2020

### **REFERENCES**

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

### **Introduction**

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.

Most parents sign the paternity acknowledgement at the hospital, and the hospital sends it to the Office of Vital Records. However, parents may sign and send the paternity acknowledgment to the Office of Vital Records themselves.

A paternity acknowledgment for an out-of-state birth may be filed in Montana with the Office of Vital Records.

Caseworkers and administrative staff should refer to the information in this section when taking required actions and when locating or evaluating voluntary paternity records. This section is divided into two parts:

#### **I. Hospital Paternity Acknowledgment Process**

#### **II. Paternity Acknowledgment Birth Records Request**

In the rare instance where CSSD is contacted regarding the withdrawal of a paternity acknowledgment, it is CSSD policy to refer the requester to the Office of Vital Records for information regarding a withdrawal. The CSSD has no authority or involvement in the withdrawal process.

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.



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### PROCEDURES

#### I. Hospital Paternity Acknowledgment Process

##### **Administrative Orders Unit (AOU)**

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 for acknowledging paternity.

##### **Hospital**

When a child is born to an unmarried mother, the hospital provides paternity acknowledgment material to both parents, or to the mother if the father is not present, and explains the opportunity for voluntary paternity acknowledgment.

##### **Caseworker**

Receives and answers questions from parents regarding support obligations and the benefits of paternity establishment.

##### **CSSD Fiscal Unit**

Hospitals are compensated for participation in the hospital paternity program. CSSD Fiscal Unit processes paternity acknowledgments by arranging payment to hospitals for copies of paternity acknowledgments the unit has received and forwarding paternity acknowledgments to the AOU for storage, where they are kept internally for reference purposes.



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## II. Paternity Acknowledgment Birth Records Request

### Caseworker

Caseworkers are required to complete the initial in-house paternity acknowledgment search. The in-house paternity database contains children whose fathers signed a paternity acknowledgement at the hospital. It does not include birth records without a father, children born in wedlock, or paternity acknowledgments signed and filed independently by the parents, information regarding withdrawal of a paternity acknowledgment or information from the putative father registry.

Searches the Putative Father Registry for possible father information for the child of the case.

Searches the in-house paternity database for the paternity acknowledgment.

If after a thorough search the paternity acknowledgment cannot be found, sends CS 602-1D Request for Birth Records to the regional designee who has access to the vital records system. The request for birth records should include the birth record, paternity acknowledgment, and information regarding withdrawal of a paternity acknowledgment.

If the paternity acknowledgment is found, sends CS 602-1D Request for Birth Records to the regional designee who has access to the vital records system. The request for birth records should include the birth record and information regarding withdrawal of a paternity acknowledgment.

### Regional Office Designee

Upon receipt of CS 602-1D Request for Birth Records, searches the vital records system. If the birth record, paternity acknowledgment, or withdrawal of paternity acknowledgment is found, uploads them to the case file as new mail. If the paternity acknowledgment or withdrawal of paternity acknowledgment cannot be found, forwards CS 602-1D Request for Birth Records to the AOU.

### AOU

Upon receipt of CS602-1D Request for Birth Records, does an in-person search for the items requested at the Office of Vital Records. If the items are found, uploads them to the case file as new mail.

If the items requested cannot be found, makes a system case note with an explanation as to why they could not be found and makes a corresponding notation on the request form prior to returning the birth records request form to the requestor.