

PATERNITY ESTABLISHMENT

Paternity Interview Outline

CS 602.4

SUPERSEDES

CS 602.4, Paternity Interview Outline, January 11, 1998

REFERENCES

Sections 40-5-232 and 40-5-233, MCA.

Policy

Purpose and Format of Paternity Interview

The main purpose of the paternity interview is to obtain information that will help the CSED resolve paternity in the case, or determine whether resolution is likely. Facts gathered at the interview may be used to take the next step in the case or to establish reasonable cause. A secondary purpose is to enlist the cooperation of one of the participants in the case. A paternity interview may be conducted by telephone or in person and may be scheduled or impromptu; the interview may occur at any time during the paternity establishment process, but generally is most useful during case initiation; the interviewee may be the mother, the third-party obligee, or (prior to any request for hearing) the alleged or presumed father.

The paternity interview is optional, and is conducted by the caseworker or, in certain types of cases, by the CSED public assistance liaison. The caseworker determines whether an interview is necessary by considering the facts of the case, and assessing the need for further information or improved cooperation from a participant. The following paragraphs give the most common considerations in electing to interview a participant; there are, however, many exceptions, and regional variations also apply.

Interview with Mother

Most paternity interviews are with the mother, since she is the person most likely to have any information still lacking, and (when she is the obligee) most likely to be willing to attend an interview. Specifically, the CSED may seek an interview with the mother (1) to address some apparent discrepancy or gap in the information provided in the paternity affidavit, (2) to obtain another allegation in the case, if a single or last remaining allegation has been excluded, or (3) if she is not the obligee, to persuade her to cooperate in the paternity establishment process. Generally a paternity interview with the mother is held in person, and scheduled ahead of time; telephone interviews for short questions or with out-of-state mothers are also common.

Interview with Third-Party Obligee

In third-party obligee cases a paternity interview with the custodial party or social worker is standard practice, because of the many possible fact situations. The interview may be omitted, however, if all the necessary information can be obtained from the application or referral, or from the mother. Logistics such as, scheduling a telephone versus in-person interview depend on the obligee's and interviewer's needs.

Interview with Alleged/Presumed Father

Except for short telephone conversations as opportunities arise, paternity interviews with the alleged/presumed father prior to a request for hearing are not common. However, depending on the facts of the case the caseworker may seek an interview, or ask the public assistance liaison to do so, during the case initiation stage to gain the man's cooperation in some specific area. An example would be to obtain his consent to genetic testing in a multiple-allegation case. The interview is by telephone unless the alleged/presumed father requests an in-person meeting. **IMPORTANT:** Procedures for a mandatory interview with the alleged/presumed father following a request for hearing are given separately in CS 605.2 Evidence at Hearing.

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Interview by CSED Public Assistance Liaison

In certain cases the CSED public assistance liaison may be in a better position than the caseworker to pursue and obtain paternity-related information. In these situations the caseworker contacts the liaison for assistance in developing the case facts. Generally, these cases involve allegations against "unknown" men, or against men not named in the public assistance referral; however, liaisons may also be asked to conduct interviews in cases where the mother or custodian is not available for an interview with the caseworker because of geographical limitations, for example. Use of the liaison in other situations may also be appropriate, depending on case facts and regional policy. Usually, the main advantages of involving the liaison in a paternity case are that he or she can be available at locations remote from the regional office such as, the county public assistance office, and can devote time and resources to specialized in-depth interviews and follow-up investigations at the local level.

Also, the liaison may conduct pre-referral interviews at the request of the public assistance agency to identify alleged fathers listed as "unknowns" in assistance cases. The goal is to minimize, to the extent possible, the number of "unknown" fathers referred to the CSED.

Procedures

1. Interview with Mother. As needed, schedules, and conducts an in-person paternity interview with the mother (see policy above for situations where a telephone interview applies). Thoroughly documents the conversation for the file, and gives the mother an opportunity to ask questions.
 - a. Explains the paternity establishment process, specifically:
 - Why the CSED is involved.
 - The benefits of establishing paternity.
 - The possibility of genetic testing, and what is involved.
 - You may be called on to testify in court.
 - The CSED attorney does not represent you; you may obtain an attorney of your own if you desire.
 - Why we need your cooperation in the paternity establishment process.
 - Why we need detailed information about your relationship with the alleged father, and the exact dates of the relationship.
 - b. Obtains information regarding the pregnancy, the birth of the child, and the mother's relationship with the alleged or presumed father; explains that the term "sexual contact" means any act that could have resulted in the conception of the child; specifically:
 - Where and when you and he met? specifically
 - Did you and he date? Where did you go? How old were you both? Who were you with when you were together? Did your parents or his parents know about the relationship? Did the alleged father come to your home? Names and addresses of friends or relatives that knew about your relationship.

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- When and where did you first have sexual contact? Why do you remember? Exact date or approximate? Describe circumstances, use of birth control.
- How often did you have sexual contact? Where did it occur? Identity of hotels or motels, details of occupancy, manner of registration; dates. Did you live together? Where and how long?
- Did anyone else know you and he were having sexual contact? Could anyone else infer sexual contact, or know you spent the night with him? Names, addresses, how they knew.
- What was the date of your last period before pregnancy? Is this an exact date or a guess? How do you remember?
- What was the date of conception? Is this an exact date or a guess? How do you remember?
- Did you have sexual contact with anyone else, other than the alleged father, during the period of conception? One-night stands? Do you think the father will allege you had sexual contact with someone else? If so, give details.
- How and when did you discover you were pregnant? When did you tell the alleged father? What was his response (exact words, as specific as possible). Was anyone else present? Names and addresses. Did you date the alleged father after you were pregnant? Did the alleged father admit or deny he was the father to anyone else? Names and addresses. Did you have sexual contact after becoming pregnant? Name of doctor you saw during pregnancy. Did you tell the alleged father's parents? When, where, what did they say?
- Where was the baby delivered? What was the baby's weight at birth? anticipated due date? actual birth date? Did the alleged father visit you in the hospital? How many times? How long did he stay? What did he say (be specific)? Was anyone else there? Names and addresses. Were there any gifts from him or his parents? Describe.
- After you left the hospital, when was the next time you saw the alleged father? Describe what happened. Did you and he date? Has he seen or visited the baby? What has been his reaction? Has he sent any gifts or money? Are there any witnesses to the gifts or money? Names and addresses.
- Does the child resemble the alleged father? How? Compare physical characteristics, color of eyes, hair, anything that might be genetically transferred to the child.
- When was the last time you saw the alleged father? Where, when, what was said?
- Is there anything else that might have happened or may be pertinent?

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- c. Reviews the paternity affidavit and asks for any information that was not completed initially or obtained in the interview; if necessary, asks the mother to complete and sign a new affidavit, or a statement supplementing the existing affidavit, and has the affidavit or statement notarized. Most additional information will not require a formal change to the affidavit, but will simply clarify points for the caseworker's use.
 - d. Asks for any further information regarding the alleged father's employment, financial condition, address and phone number, and any other useful information regarding his ability to pay support.
 - e. Obtains from the mother or requests she produce the following documents:
 - A medical release for information from the hospital or doctor.
 - Any photos showing the child and alleged father together.
 - Letters or written documents containing statements by the alleged father possibly supporting this claim of paternity.
 - Descriptions of gifts and other non-monetary benefits supplied or provided by the alleged father.
 - Financial data to establish the child's need for support and the mother's ability or lack of ability to provide her share of the child's needs.
 - Copies of the child's birth records.
 - Any other item that may be useful in proving paternity or the need for support.
2. Interview with Alleged/Presumed Father. As needed, prior to any request for hearing, conducts an interview with the alleged or presumed father to obtain information necessary for the paternity case. Explains the paternity establishment process, including the role of genetic testing; elicits information as needed; gives the alleged/presumed father an opportunity to ask questions; and thoroughly documents the conversation for the file, noting any statements that may be used as evidence at hearing, see section CS 602.5. NOTE: Partial interviews focusing on specific points may be appropriate.
3. Interview with Third-Party Obligee. As needed, schedules, and conducts a paternity interview, in person or by telephone, with the third-party obligee (custodial party, social worker, or other appropriate person); thoroughly documents the conversation for the file, and gives the obligee an opportunity to ask questions.
- a. If necessary, explains the paternity establishment process, as in step 1a.
 - b. Obtains any information known to the obligee--and not yet obtained from the mother--regarding the mother's pregnancy, the birth of the child, or the mother's relationship with the alleged or presumed father as in step 1b.
 - c. Reviews the paternity affidavit form and asks for any information not yet received; particularly questions the obligee about the possible existence of a presumption, refer to CS 602.1 Case Initiation—Mother Obligee for the definition of "presumption".

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- d. If the mother's paternity affidavit does not provide a basis for reasonable cause, such as the affidavit is not available, or the information is insufficient, specifically questions the obligee for relevant information, CS 602.2 provides detailed information on reasonable cause.
- e. If applicable, questions the obligee regarding the possible cooperation of the mother in the paternity establishment process.
- f. If no allegations are available from the mother, or if there is reason to believe the mother's information is not complete, questions the obligee regarding the existence of other possible fathers.
- g. Asks for any further information regarding the alleged father as in step 1d.
- h. Obtains, or requests assistance in obtaining, the documents listed in step 1e.