

Flowchart #1 Procedure: Establishing Paternity or Parentage

Purpose: Case planning outcomes are significantly enhanced when paternity and parentage issues are identified quickly. For example, there are requirements and time limits for the legal processes to dis-establish paternity. Proceeding with paternity resolution without this awareness can result in delayed permanency placement with relatives, further need for litigation as a juvenile case proceeds, and may also result in limiting the child’s access to benefits they may otherwise be entitled. Regardless of the chosen paternity establishment pathway, the process is not complete until the child’s birth record is amended. This final step is critical as it demonstrates good stewardship of the state’s overall budget; the family doesn’t have to go through the same process all over again if they later work with a different state program; and it assists the family in making application for federal, state and survivors benefits, school registration, and in establishing child support.

Procedure

STEP 1: CHILD PLACED IN DHS CUSTODY

Reviews OR-Kids, OR-Kids Client Index, and person search tabs, WEBM-FIND, and Food Stamps screens to adequately update OR-Kids case	Person and case records are created.
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STEP 2: CHILD’S STATE OF BIRTH?

Oregon	Out Of State
Check for the child’s birth certificate in the OR-Kids cabinet or ask the Paralegal, Eligibility Specialist, or designee to check OVERS for an Oregon Birth Record	Request a copy of the out-of-state birth certificate through the Office Manager or designee. When the birth certificate arrives, upload to the OR-Kids cabinet. <i>DCS cannot work a paternity or parentage referral without the OOS Birth Certificate.</i>

STEP 3: IS THERE A FATHER LISTED ON THE BIRTH RECORD?

Yes	No
<p><i>Is anyone else alleging they’re the bio dad?</i></p> <p><i>IF NO:</i></p> <ul style="list-style-type: none"> When the father is listed and mother not married, there isn’t an issue (unless DHS wants to reopen paternity) Update OR-Kids Case Relationships. <p><i>IF YES: Determine how the father got on the birth certificate:</i></p> <ul style="list-style-type: none"> Search Oregon E-Court Information 	<p><i>Is the mother married?</i></p> <p><i>IF YES:</i></p> <ul style="list-style-type: none"> Did she name someone other than the husband as the father of the child? If she has, then presumed paternity applies and husband must be dis-established before an alleged father can be established. Consult AAG. <p><i>IF NO:</i></p> <ul style="list-style-type: none"> Check OR-kids case relationships -- is any type

Flowchart #1 Procedure: Establishing Paternity or Parentage

<ul style="list-style-type: none"> • Search OVERS for marriage and divorce records • Review Fathers and ICWA Questionnaires • Staff with AAG to consider the potential steps toward resolution as knowing how a father was established is critical to understanding the process needed to dis-establish the father, if it gets that far. 	<p>of father entered? If so, determine how the man was added, consult Paralegal for clarification and Data Corrections Technician for OR-Kids updates.</p> <ul style="list-style-type: none"> • If there is only one man alleging he's the father, ask parents if they would be willing to sign the Voluntary Acknowledgment of Paternity. GO TO STEP 4
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STEP 4: WILL PARENTS SIGN VOLUNTARY ACKNOWLEDGMENT OF PATERNITY?

YES	NO
<p>VAP Completed at DCS Office:</p> <ul style="list-style-type: none"> • Refer parents to their local DCS office. • When the VAP is executed at a DCS office, DCS will pay the Vital Statistics Filing Fee. <p>VAP completed at DHS Office:</p> <p>Consult Paralegal or AAG about the possibility of parents completing the VAP at a DHS office or during a juvenile court hearing. Review Staff Paternity Tools for Proper Execution of the VAP.</p>	<p>GO TO STEP 5</p>

STEP 5: Will DHS or DCS pursue paternity establishment?

DHS (Judicial Filiation)	DCS (Administrative Filiation)
<p>Has DHS been granted guardianship post-jurisdiction? DHS must be the guardian before filing a filiation petition.</p> <ul style="list-style-type: none"> • When the 5600 form is used, DHS takes on the cost of Judicial Filiation. • If a paternity judgment established the legal father, has the timeline for challenging the judgment already passed? If the time has passed, DHS should not proceed to paternity testing. Otherwise, Go to STEP 6 	<ul style="list-style-type: none"> • To request DCS establish paternity only, contact the CW Child Support Team in Outlook. Or, view the electronic copy of Flowchart #1, below Step 5, Left Click on the box "For DCS Paternity Referral Contact..." A new e-mail window opens with the CST Team e-mail address inserted. Complete the body of the email, Left Mouse Click <Send> • Contact CW Paralegal to have the mother's Declaration of Paternity or Father's Self Alleged Father Affidavit (SAF) completed. The paralegal will submit this form to DCS. • Watch that the alleged father shows for testing when otherwise after sufficient notice, DCS will legally establish paternity via default. • Details on DCS process are provided on the last page of

Flowchart #1 Procedure: Establishing Paternity or Parentage

	this document.
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STEP 6: Submit Parentage Testing Request, CF 5600

<ul style="list-style-type: none"> Go to DHS Forms Page Follow instructions on the 5600ci Complete the Child Welfare Parentage Testing Request (CF 5600) 	<p>Submit completed 5600 to CW.ChildSupportTeam@dhsola.state.or.us, include proof of supervisor approval (typically this is in the email history)</p>
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STEP 7: Central Office Child Support Team Processes the 5600

<ul style="list-style-type: none"> Processing the 5600 means the CST reviews the 5600 request for testing comments and narrative: When continuation of the 5600 process is in the child’s best interests, the CST will forward the 5600 to the DCS contact. If DCS already has a paternity case open and legal actions occurring, DHS will need to wait out the resolution of that case. The supervisors email authorization for use of branch funds will be stored at Central Office. Upon successful entry into the LabCorp system an automated schedule number is created, e-mailed to the 5600 contact, and copied into a case note with a reminder to monitor their e-mail for the LabCorp appointment notification. 	<p>If the 5600 request for testing is not accepted, the possible pathways at this point are to:</p> <ol style="list-style-type: none"> 1) Clarify the issues, potentially with AAG or Paralegal assistance. 2) Send DCS the paternity referral 3) The worker may again ask parents to consider signing the VAP if appropriate 4) Other, as indicated by supervisor
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STEP 8: LabCorp Communications To/From DHS

LabCorp	DHS
<p>LabCorp notifies the 5600 Contact:</p> <ul style="list-style-type: none"> Within 24 to 48 hours with a schedule acknowledgment and confirmation number. Faxes or emails the actual date, time, 	<ul style="list-style-type: none"> Best practice is to make a copy of the LabCorp Schedule acknowledgment (appointment) and provide this to each party undergoing testing. To reschedule or for any related questions, caseworkers contact the Child Support Team.

Flowchart #1 Procedure: Establishing Paternity or Parentage

<p>and location of testing as soon as scheduled.</p> <ul style="list-style-type: none"> • LabCorp completes DNA testing, e-mails the CO CST notifying them results are available • To reschedule or for any related questions, caseworkers must contact the Central Office Child support Team. PLEASE DO NOT advise client to call LabCorp. 	<p>PLEASE DO NOT advise client to call LabCorp.</p> <ul style="list-style-type: none"> • CST posts results in a case note, advises caseworker to wait for hard copy results in the mail.
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STEP 9: Caseworker notifies parties and schedules staffing with AAG

Caseworker	AAG
<p>Caseworker notifies all parties of paternity results within 10 working days after receipt of final report.</p> <p>DHS will seek the most expeditious route to resolve paternity.</p> <ul style="list-style-type: none"> • For example, DHS may need to dis-establish the first father then establish a new father, or • In cases where there isn't already a legal father to dis-establish, legal paternity could be achieved by the parents signing a Joint Affidavit of Paternity also known as a Voluntary Acknowledgment of Paternity. 	<p>Based on the DNA results, caseworker will schedule a staffing with their branch Paralegal or AAG.</p> <ul style="list-style-type: none"> • When judicial filiation is indicated: • The AAG will first file a filiation petition that is to be formally served on mother and alleged father unless they're already both parties to the juvenile case, then sometimes less formal serve can be accomplished. • Petition cannot be filed until DHS is granted guardianship post-jurisdictionally. • DHS-AAG provides notice to DCS of the filiation petition. (Important to determine there is no duplicate legal action being done by DCS)

STEP 10: CASEWORKERS--ARE THE OR-KIDS CASE RELATIONSHIPS UP-TO-DATE?

EXCLUDED	INCLUDED
<ul style="list-style-type: none"> • Update relationships, do not delete this participant as the participant ID is critical for LabCorp reimbursement • Ensure that until proven otherwise all alleged fathers are listed in OR-Kids as "Father – Alleged" 	<ul style="list-style-type: none"> • Update relationships • Again, it may be the VAP is a valid, quicker path to legal paternity. In that case, ask parents to consider signing

Flowchart #1 Procedure: Establishing Paternity or Parentage

<ul style="list-style-type: none"> • Accurate data in OR-Kids also leads to clean, workable child support referrals • Pursue next alleged father, STEP 6 	<p>the VAP, STEP 4.</p> <ul style="list-style-type: none"> • If the VAP is not viable, continue to STEP 11.
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STEP 11: JUDGMENT OR VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY

<p>Send Judgment or VAP to:</p>
<p>DEPARTMENT OF HUMAN SERVICES Office of Child Welfare Program Child Support Team 500 Summer St. NE, E-60 Salem, OR 97301</p>

STEP 12: WAS THE CHILD'S BIRTH RECORD AMENDED?

DHS	DCS
<ul style="list-style-type: none"> • VERY IMPORTANT: When legal paternity is established judicially or by VAP it is CRITICAL the documents are sent to Central Office, STEP 11. • CENTRAL OFFICE will upload a copy of the VAP or judgment of paternity/non-paternity to the OR-Kids Filing Cabinet and forward these documents to the Oregon Health Authority Center for Health Statistics to amend the child's birth certificate, if the child was born in Oregon. • CENTRAL OFFICE will notify caseworker when the child's birth record is amended. The LOCAL OFFICE must follow their birth certificate ordering protocol. • Central Office may contact caseworker to evaluate for child support. 	<ul style="list-style-type: none"> • When Paternity is established via DCS Administrative Filiation, DCS handles the process of updating the child's birth record. • However, Central Office CST will prompt the local office when the birth record amendment has been accomplished.

Flowchart #1 Procedure: Establishing Paternity or Parentage

Procedure Title: **Legal Paternity or Parentage Establishment Only (PEO) Referrals – DCS Swim Lane**

Procedure Number: 1

Version: 1

Effective Date: May 1, 2018

Purpose of procedure: The following steps are provided to give the CW caseworker guidance on the DCS administrative filiation process. This process is not affected or hindered by whether the Department has been granted guardianship, only that DHS has custody. While formal service to the parties may take some time, when the mother, father and/or alleged father are not participating in the juvenile case, DCS may have additional resources to more quickly locate and get them personally served, which could speed up the process. For more information, go to Staff Paternity and Parentage Tools Page, Parentage Testing Q&A.

The following steps reflect the collaboration between Central Office Child Support Team and Paralegals:

Step	Responsible Party	Process Step	Action
A	DCS	DCS Receives referral and Paperwork from DHS or Party	DCS Processes Referral DCS update interface sends a new Paternity Establishment Only (PEO) Case Number back to DHS, this is shown in the OR-Kids BA Tracking Page Referral Record (certain staff have security access)
B	DCS	Is there one alleged father or a most likely alleged father?	DCS PEO case number is updated in the OR-Kids Business Application (BA) Row. <i>Ultimately the Activity Status for this BA row changes to Paternity Included or Excluded</i> (DCS sends results of genetic testing to Child Support Team, STEP D)
C	DCS Shared CW	Conducts Person Search, serves each party and waits for response	CST notified by DCS when Paternity Notice of Financial Responsibility (PNFR) ready. CST forwards the PNFR packet to the CW Paralegal
D	DCS	Did any party request testing?	YES: To avoid a default finding of paternity, the CW Paralegal <ul style="list-style-type: none"> • Will deliver the PNFR packet to the caseworker with the proper forms for the alleged father to request testing. • The caseworker ensures the alleged father shows for

Flowchart #1 Procedure: Establishing Paternity or Parentage

			<p>testing, otherwise after sufficient notice, DCS will legally establish paternity via default (OAR 137-055-3100).</p> <p>If the alleged father is included by 99.9% probability or greater, DCS will:</p> <ul style="list-style-type: none"> • Notify the Child Support Team, and • The DCS AAG will prepare for the filing of the administrative judgment of paternity <p>If the alleged father is excluded, the process may then start over with a new alleged father, STEP A.</p> <p>NO:</p> <ul style="list-style-type: none"> • GO TO STEP E
E	DCS	Default pat order	When testing is not requested or after the mother fails to show for testing twice, DCS issues a default paternity order
F	DCS	Order distributed	DCS sends copy of order to all parties
G	DCS CST	Request to update BC sent to VR	<ul style="list-style-type: none"> • DCS sends 45-116 to Vital Records to update birth record • DCS monitors for BC amendment

*Paternity can only be reopened by DCS when genetic testing was not done AND the request to reopen is made within one year from when the father was added to the birth record. If CW wants paternity reopened after the one-year timeframe, then CW must establish paternity judicially (ORS 416.443).