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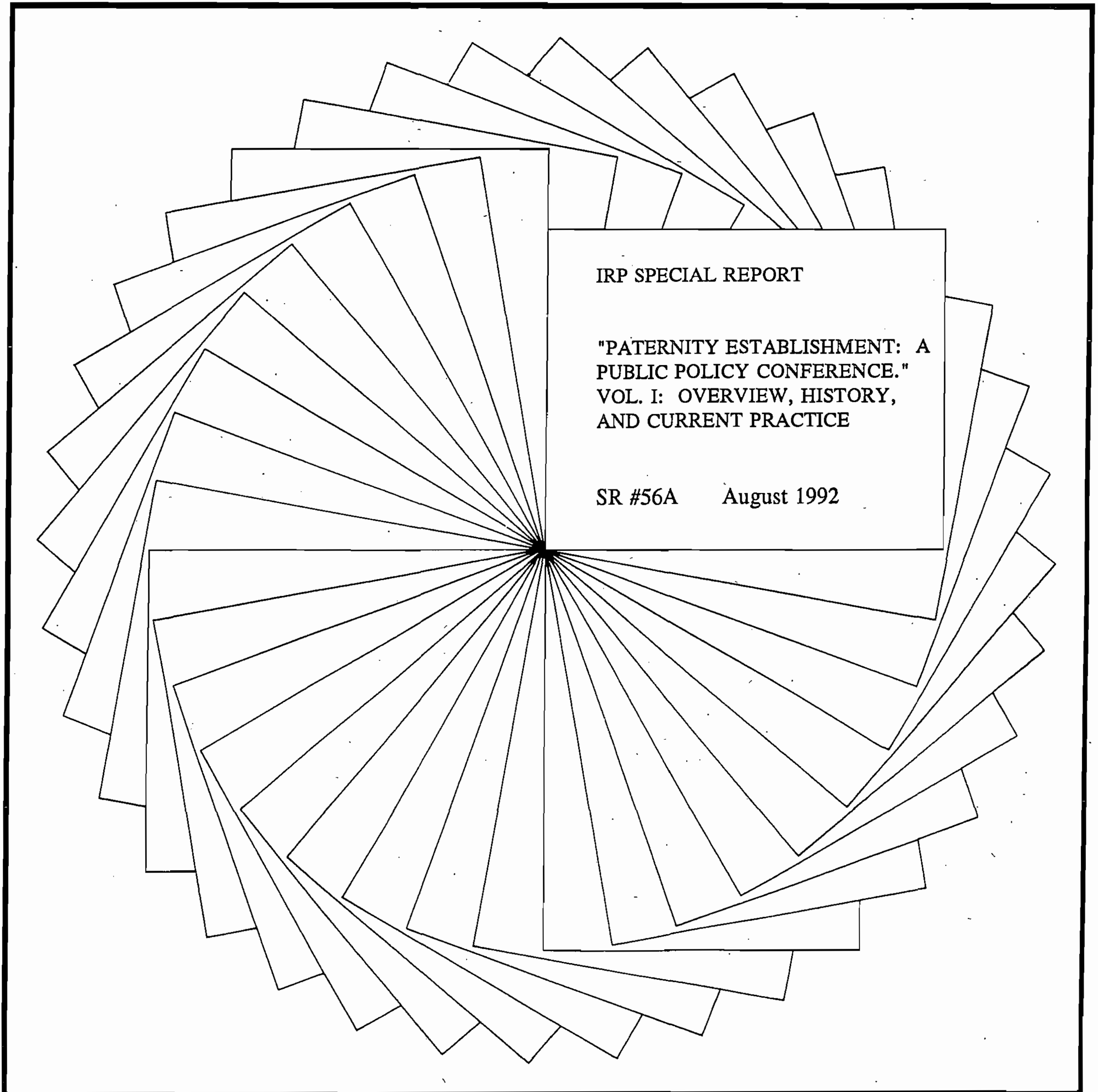

IRP SPECIAL REPORT

"PATERNITY ESTABLISHMENT: A PUBLIC POLICY CONFERENCE."
VOL. I: OVERVIEW, HISTORY, AND CURRENT PRACTICE

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"Paternity Establishment: A Public Policy Conference"

Vol. I: Overview, History, and Current Practice

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Preface

The thirteen papers that compose this two-volume IRP Special Report were presented at a conference held in Washington, D.C., in February 1992, entitled "Paternity Establishment: A Public Policy Conference." The conference was sponsored by the Institute for Research on Poverty and two divisions of the U.S. Department of Health and Human Services: the Office of the Assistant Secretary for Planning and Evaluation and the Administration on Children and Families. The overview that begins Volume 1 was written by Daniel R. Meyer, the organizer of the conference. For more on the conference, see the Summer 1992 issue of Focus, the newsletter of the IRP. All opinions and conclusions expressed in the papers are those of the authors alone and not of the sponsoring institutions.

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Paternity and Public Policy: Findings, Policy Issues, and Future Research Needs
Conference Overview

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This is an overview of a conference entitled "Paternity Establishment: A Public Policy Conference," held in Washington, D.C., in February 1992 and sponsored by the Institute for Research on Poverty and the Office of the Assistant Secretary for Planning and Evaluation (ASPE) and the Administration on Children and Families (ACF) of the U.S. Department of Health and Human Services. Any opinions expressed in this overview or in the papers presented at this conference are those of the authors alone and not of the sponsoring institutions.

The author thanks Linda Mellgren of ASPE and Barbara Cleveland of ACF for helpful comments on an earlier draft.

Paternity and Public Policy: Findings, Policy Issues, and Future Research Needs
Conference Overview

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Policy attention is turning with new interest to issues surrounding the legal establishment of paternity for children born out of wedlock. Even five years ago, the possibility of a conference focused solely on such issues would have been questionable, owing to the paucity of information on the topic. Now a body of research has begun to emerge. Its findings were highlighted at a conference jointly sponsored in February 1992 by the Institute for Research on Poverty and the U.S. Department of Health and Human Services, at which the papers in this Special Report were presented.

Four factors have contributed to the rise in interest in paternity establishment.

First, the percentage of children born outside marriage has increased dramatically in the last thirty years (see Figure 1), from 5% in 1960 to 11% in 1970, 18% in 1980, and 27% in 1989 (U.S. House of Representatives, 1992). This increase occurred among both whites and blacks, but was larger among the latter. The percentage of births to white unmarried mothers rose from 2.3% in 1960 to 19.2% in 1989; for blacks it rose from 21.6% to 65.7% over the same years. A number of factors account for the increase, among them a decline in marriage, substantially lowered birth rates among married women, and increased sexual activity among unmarried women (Danziger and Nichols-Casebolt, 1988).

Second, many children born out of wedlock are poor and depend on public assistance. The poorest demographic group in the United States consists of children in single-parent families (Garfinkel and McLanahan, 1986), and those living with never-married mothers are the poorest: 54% of such families had incomes below poverty in 1989, compared to 27% of divorced families and 15% of all families with children (U.S. Bureau of the Census, 1991). Many of these poor children receive

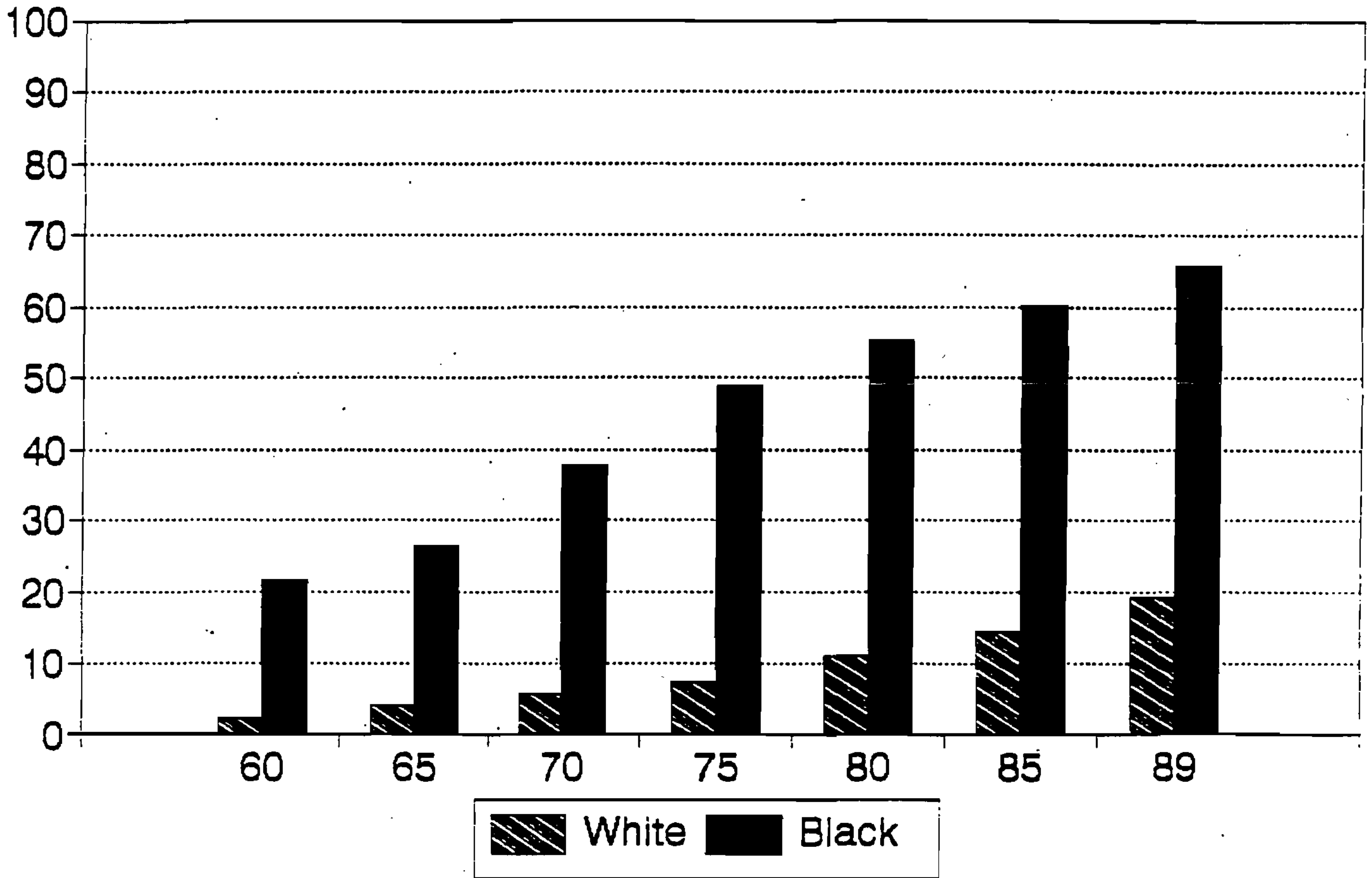

Figure 1

Sources: U.S. House of Representatives, Committee on Ways and Means (1992, p. 1074); Statistical Abstract of the United States, 1991, p. 67; 1987, p. 61.

public assistance. Whereas 28% of children receiving Aid to Families with Dependent Children (AFDC) were born out of wedlock in 1969, by 1990 that fraction had increased to 54% (U.S. House of Representatives, 1992). Some research has shown that never-married mothers and their children are significantly more likely to depend on AFDC for longer periods of time. Ellwood (1986) found that the average number of years of AFDC receipt by never-married women was 9.3, compared to 4.9 for divorced women and 6.8 for separated women.

Third, concerns about the poverty and dependency of single-parent families have prompted a review of the child support system to determine whether noncustodial parents provide appropriate amounts of child support. This critique has revealed that the system is weakest for children of never-married mothers.[1] These data are disturbing. Fewer never-married women have child support awards--24% in 1989, compared to 48% of separated women and 77% of divorced women. Even among those with awards, more than one-fourth receive no payments. And even when never-married women have an award and obtain some payment, their annual average receipt is $1888, compared to $3060 for separated women and $3322 for divorced women (U.S. Bureau of the Census, 1991). Among all never-married women (including those who receive nothing), the average annual receipt of child support is only $273 compared to $951 for separated women and $1776 for divorced women. The recognition that never-married women receive much less child support than do other single mothers has led to new interest in paternity establishment, since until paternity is established the formal system cannot award or collect child support.

Finally, there is increased acknowledgment that paternity establishment brings a variety of other benefits. Only when paternity has been established can children receive Social Security benefits (should the father die or become disabled), military benefits that accrue through the father's service, or an inheritance. Medical histories and genetic information are available to children whose father is

known. And emotional and psychological benefits, including a sense of identity and heritage, can be gained through identification of fathers.[2]

Paternity establishment has thus taken on greater importance because it affects increasing numbers of children, because many of these children are poor and depend on public assistance, because the child support system may not be working well for these families, and because there is increased interest in the nonfinancial benefits of paternity establishment. A variety of issues surrounding the topic were explored by the papers presented at the conference. The next section of this overview describes the legal and historical context of paternity establishment, followed by a summary of what I consider to be the most important findings of the papers. Policy implications are presented in Section III; the conclusion offers comments on future research.

I. The Legal and Historical Background

Because the legal procedures surrounding paternity establishment in the United States lie in the realm of family law, they have been a state rather than a federal responsibility. Until the late twentieth century most states relied on the Elizabethan Poor Laws as precedent for paternity laws and procedures. Melli (Vol. I, Paper 1 in this Special Report) identifies three important strains in the legal history.

1. Because nonmarital intercourse was "both a sin and a crime--both a moral and a government offense," a paternity suit was a criminal action: alleged fathers was arrested, due process was ensured, and proof beyond a reasonable doubt was required. As a result, the establishment of paternity has historically used judicial rather than administrative processes.

2. The usual purpose of a paternity action has been to collect support for the child, even though there are other reasons why paternity might be in the child's best interest. Paternity actions

have thus historically been connected to financial obligations, which may have limited the number of voluntary acknowledgments.

3. Because few types of evidence have characteristically been available in paternity actions, the courts have had to rely on the statements of the parties involved, the testimony of others, and even the physical features of the child. Recent developments in genetic testing have opened the possibility that paternity may be established by medical test rather than judicial process.

In recent decades the federal government has taken an increasingly active role in promoting paternity establishment. In 1967 it required states to attempt to establish paternity for children born out of wedlock who were receiving AFDC. In 1975 Congress added Part D to Title IV of the Social Security Act, creating a federal Office of Child Support Enforcement and requiring each state to establish a corresponding office (known as IV-D offices). These offices were given the responsibility of establishing paternities for both AFDC and non-AFDC families. Legislation in 1984 extended the period in which states could take paternity action to a child's eighteenth birthday. The 1988 Family Support Act set goals for the number of paternities established by the states, with financial penalties to be assessed when states do not meet these goals. That legislation also requires parties in contested cases to use genetic tests if requested by any party, gives greater financial responsibility to the federal government for genetic testing, encourages states to establish civil (rather than criminal) processes for paternity establishment, establishes time limits for processing paternity cases, and requires states to obtain social security numbers from both parents when issuing birth certificates.

Several observers have concluded that the state IV-D offices have typically focused more on enforcing existing child support orders than on establishing paternity (see Adams, Vol. I of Special Report, Paper 5). This may be changed by the Family Support Act's requirement that the number of paternity establishments increase. Figure 2 shows that the number of paternities reported by the IV-D

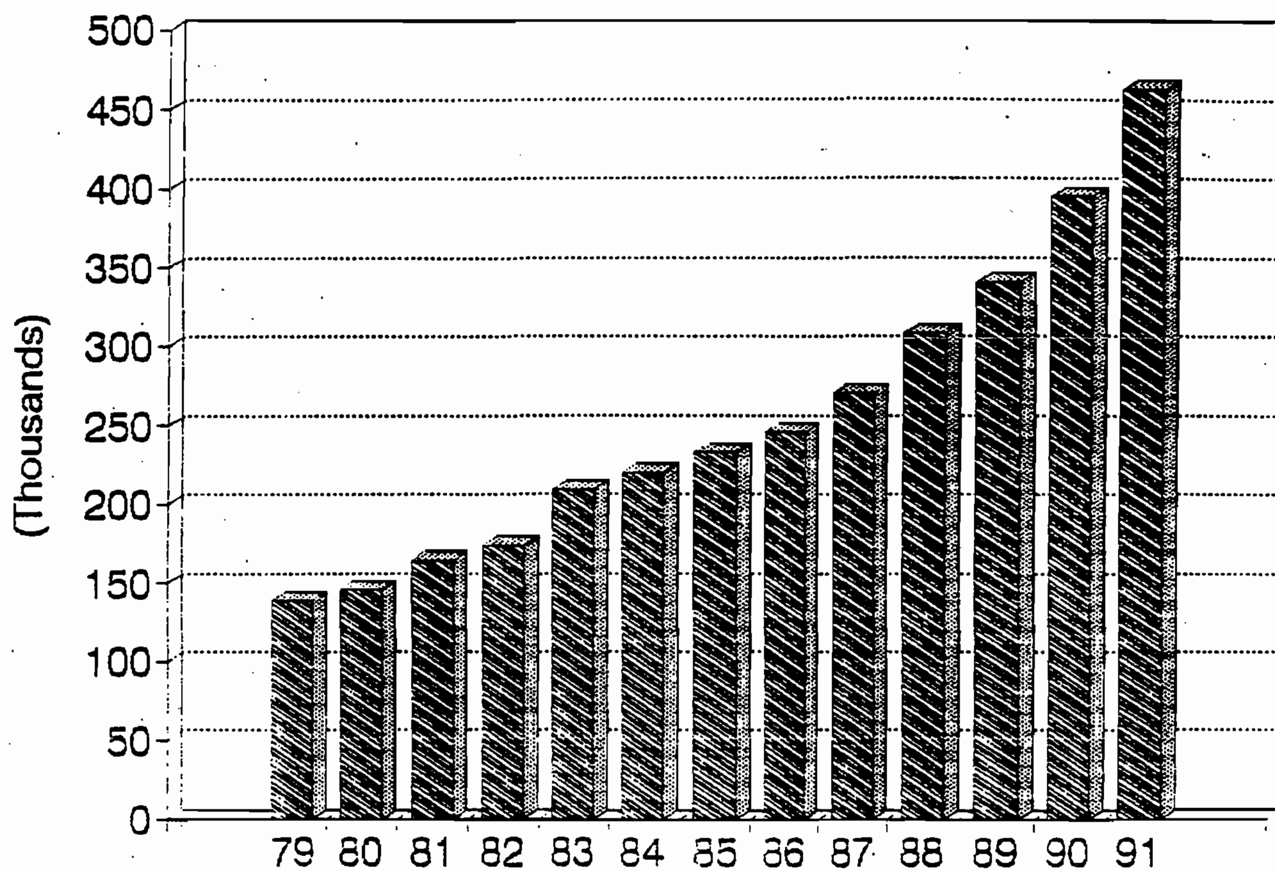

Figure 2

Sources: U.S. House of Representatives, Committee on Ways and Means (1992, p. 765); Office of Child Support Enforcement, various reports.

offices has increased substantially from 1978 to 1990, though how much of this increase is due to reporting differences is unclear.[3]

In the early years of the child support offices, many workers believed it was not usually cost-effective to establish paternity. In a study funded by the federal Office of Child Support Enforcement to determine if this was true, Young (1985) reviewed case files from 1980 to 1983 in three county child support offices that were thought to have effective paternity procedures. He found that in Dane County, Wisconsin, child support collections for AFDC cases with paternity established offset the costs spent by the agency on all paternity establishments; the average case broke even within 23 months. (In the other two counties the time observed was not long enough to see net savings, but based on projections the average case was predicted to break even in 35-52 months.) A more recent study in Nebraska by Policy Studies, Inc. (Price and Williams, 1990) also found that from the government's perspective, the benefits of focusing on paternity establishment outweighed the costs.

The low priority for paternity cases has been documented by other research as well (e.g., Bernstein, 1982; Kohn, 1987; Wattenberg, 1987). Several papers from a 1986 conference on young unwed fathers demonstrated that few children had paternity established, even fewer had child support awards, and still fewer received child support (Smollar and Ooms, 1987). Observers of the child support system noted that problems in the paternity establishment process seemed the greatest hurdle to receipt of child support (Danziger and Nichols-Casebolt, 1988).

Some research indicates that the situation is improving. Nichols-Casebolt and Garfinkel (1991) found that the ratio of paternities established by the child support offices to the number of nonmarital births has increased from .19 in 1979 to .22 in 1980 to about .28 in 1983. Using several years of the Child Support Supplement of the Current Population Survey, they found that both the paternity adjudication rate and the probability of obtaining a child support award increased over the

period from 1979 to 1986. However, the vast majority of children from nonmarital relationships still do not have paternity established, and even more do not have child support orders.

Another recent finding is that many fathers informally admit paternity and, once approached by the child support system, voluntarily acknowledge paternity (Kohn, 1987; Wattenberg, 1987; Danziger and Nichols-Casebolt, 1990). However, the likelihood of establishing paternity declines as children age (Danziger and Nichols-Casebolt, 1988), in part because contact between unmarried fathers and their children tends to decline over time (Danziger, 1987; Wattenberg, 1987). Wattenberg notes that while many mothers seem to be satisfied with informal arrangements when their children are born, by the time the children are two or three, the relationship with the children's father is less positive, less regular, or perhaps even nonexistent, and they are more interested in formally establishing paternity. However, it is then more difficult for the child support system to find these fathers, and the system is less effective.

II. Principal Findings from the Conference Papers

Variation in Practices

Until recently, the only descriptions of paternity processes and organizational structures were from local or state studies. To obtain a national picture, the Urban Institute in 1990 conducted a National Survey of Paternity Establishment Practices, covering child support agencies in 249 counties in 42 states and the District of Columbia (Vol. 1, Holcomb et al., Paper 4, and Sonenstein et al., Paper 6). The major conclusion of the study was that great diversity exists around the country both in organizational arrangements and in the process of paternity adjudication.

Based on the survey, the researchers identified three basic types of organization for the agency responsible for paternity establishment. Forty-three percent of the counties use a "human

services agency model," in which paternity is handled by an agency that is not primarily legal; these agencies typically have their own in-house legal staff. About one-fifth of the counties use a "legal agency model," in which the IV-D office contracts with private attorneys or contracts with or is based in the prosecuting attorney or the attorney general's office. Finally, about one-third of the counties use a "two-agency transfer model," in which a human services agency typically handles voluntary cases but transfers any contested cases to a legal agency.

Nichols-Casebolt (Vol. II, Paper 2) distinguishes five stages in the process of establishing paternity: (1) the process is initiated by the mother or by an AFDC eligibility worker, since cooperation in paternity establishment when appropriate is a condition for receiving AFDC; (2) an intake interview or procedure obtains information about the alleged father; (3) he is located, either through an address provided by the mother or through a variety of searches for a current address; (4) he is notified of the paternity allegation; (5) paternity is adjudicated, sometimes after genetic testing has been completed.

Within these five stages lies considerable variation. Holcomb and her colleagues (Vol. 1, Paper 4) note that paternity processes can be separated into those that are administrative, quasi-judicial, and judicial, but they find it more conceptually appealing to focus on distinctions in the ways that contested and uncontested cases are handled. They propose four models of process, depending on the treatment of opportunities for voluntary acknowledgment of paternity: (1) one-fifth of the counties use a "no-consent process," in which the steps toward paternity are dominated by court actions and fathers are never given the chance to voluntarily acknowledge paternity outside the court system; (2) in the "one-time consent process," also used by about 20% of the counties, fathers are typically given an opportunity to admit paternity when they are notified--if they do so, the process takes place outside of court and if they do not, the process moves into court; (3) 37% of the counties use "multi-consent processes," in which fathers have at least two opportunities, usually after

notification and after genetic testing, to acknowledge paternity; and (4) 16% of the counties follow a "court-as-last-resort process," in which the court's role is limited to handling contested cases after genetic testing. (Less than 8% of the counties did not fit into any of these categories.) These four types of processes are fairly evenly distributed across the three organizational models.

Additional diversity exists in the way the state offices treat teenage fathers, as reported in a survey of all state child support offices by Pirog-Good (Vol. II, Paper 5). Over three-quarters reported that they attempted to pursue all paternity cases regardless of age; the remainder did not pursue cases in which the father was "too young." The likelihood of a teen father being assigned child support also differs across the states. More than half the states have some minimum support award (ranging from $10 to $100 per child per month) that may be applied to a teen father. Even very young fathers may be required to pay child support: in half the states, child support administrators recalled at least one case in which a father under the age of 16 was assigned child support payments.

Weakness of the Data

The key indicator of success in paternity establishment is the ratio of paternities established to the total number of children for whom paternities need to be established. Obtaining accurate numbers for both the numerator and denominator is quite difficult.

The numerator poses particular problems because there is not national data collected on the number of paternities established. Since 1978 state child support offices have reported the number of paternities that are established through the IV-D system; since 1986 they have also reported expenditures on paternity establishment. However, because many states do not have automated systems, it is difficult to assess the accuracy of these numbers (Maniha, Vol. I, Paper 3). In addition, in most states only a limited number of mothers with nonmarital births enter the child

support office. Other women establish paternity through a court or administrative process independently of the child support office, and we have no way to estimate their number. Another method of estimating the number of paternities established would be to use national survey data, but the commonly used large surveys have not asked specific questions about paternity establishment (Barnow, Vol. II, Paper 1). Barnow and his colleagues (Aron et al., 1989) try to approximate the number with paternities established in the Current Population Survey's Child Support Supplement by assuming that never-married women with child support awards clearly have had paternity established, as have those who have a final agreement pending and those who have joint custody. They conclude that this measure is quite imprecise, for several reasons: some women have paternity established without having a current child support award; the data set has gaps (women who subsequently marry are not asked about child support awards, information is collected about only one child per family, etc.); the paternity establishment status of many children could not be determined in the data set.

The denominator, the number of children who are eligible to have paternity established, also has problems.[4] Although almost all children born from a nonmarital union are potentially eligible to have paternity established, some are not. Children put up for adoption, those whose parents marry, and those who die or whose father has died are not candidates. One estimate is that 10% of the nonmarital births in Wisconsin in the 1980s were not eligible for paternity establishment (Danziger and Nichols-Casebolt, 1990).

The active paternity caseload could serve as the denominator in evaluating IV-D agency performance, but Sonenstein and her colleagues found that less than half of the counties sampled could answer the question "How many paternity cases were active in your office in FY 1989?", and Maniha reports that many states had substantial difficulty in identifying all children in IV-D cases born out of wedlock when they were required by the Family Support Act to establish a baseline paternity establishment rate.

The denominator most frequently used is the number of nonmarital births in that jurisdiction in each year. However, the number of children potentially in need of having paternities established includes those aged zero to 18, and comparing the number of paternities established in one year to the number of nonmarital births is therefore problematic. In addition, mobility into and out of the jurisdiction can confound the numbers.

Uncertainty of Success

Given these data problems, success in paternity establishment is difficult to ascertain in the nation as a whole, in states, or in individual child support offices. A simple comparison of the number of paternities established by state IV-D offices in 1987 with the number of out-of-wedlock births in 1985 (assuming it may take two years to establish paternities) reveals an establishment rate of 31.3% (Sonenstein et al., Vol. I, Paper 6).) At the county level, the ratio of paternities established by IV-D offices in FY 1989 to the number of out-of-wedlock births in 1988 yields a weighted mean of .49 for a nationally representative sample of counties (ibid). This ratio varied greatly across the counties, however, ranging from .04 to 3.25, and it was greater than 1 in eleven of the 249 counties surveyed.

Another method is to compare the number of children aged zero to eighteen who have had paternity established with the number of children who are eligible for establishment. Barnow (Vol. II, Paper 1) thus estimates that 24.5% of unmarried women with children had paternity established in 1989, and 4.3% did not. In more than 70% of the sample, however, whether paternity had been established was unknown.[5]

Two papers examine individual AFDC cases to compare paternities established with those who needed but did not have it. The results from Arizona and Wisconsin are vastly different, suggesting the degree of variation around the country. Nichols-Casebolt (Vol. II, Paper 2) found that

in two Arizona counties only 3.8% of AFDC children had paternity established one to two years after their case was opened. In contrast, when McLanahan and her colleagues (Vol. II, Paper 3) examined three Wisconsin counties they found that between 42% and 69% of nonmarital children receiving AFDC in December 1988 had paternity established when the records were reviewed one to two years later.

The Family Support Act sets a standard for the number of paternities to be established by the child support office in relation to the number of out-of-wedlock children in the AFDC caseload. Each state was required to report its base rate as of December 1988 (Maniha, Vol. I, Paper 3). The percentage varied dramatically across the states, from 11% in Oklahoma to 84% in Maryland, the average being 45%. Because of questions regarding the accuracy of these numbers, Maniha conducted several comparisons with other measures of state performance and found that the ranking of the states on this measure was consistent with other known measures of performance.

Correlates of Failure and Success

Nichols-Casebolt (Vol. II, Paper 2) finds that, consistent with earlier studies, poor connections between the AFDC system and the child support system can lead to low levels of paternity establishment. This appears to be a particularly difficult problem in organizations that follow the "legal agency model." Adams and his colleagues (Vol I., Paper 5) assert that one way to address problems of the interface of the AFDC and child support systems is for the child support agency to be directly administered by human services departments (the human services agency model). This model may create problems later, however, when interaction with the courts becomes important. Thus there exists "an apparent tradeoff between the advantages of having the IV-D agency in a department of human services which facilitates greater coordination with the IV-A [AFDC] agency over referrals and sanctioning, and the disadvantages of having the IV-D agency dependent on

the local prosecutor for legal services." Adams believes the most effective strategy is to use a human services model, but to work on voluntary acknowledgments to reduce dependence on the legal system.

This agrees to some extent with the research of Sonenstein et al. (Vol. I, Paper 6). They found that paternity establishment rates were higher in counties that followed a two-agency transfer approach than in those that relied only on a legal agency. They also found that multiple-consent processes were associated with higher adjudication rates than no-consent or one-time-consent models. They noted, however, that some practices thought to improve performance were associated with lower adjudication rates (the use of quasi-judicial staff, for example). They hypothesize that these practices may be a response to problems in establishing paternity, rather than a cause of the problems.

Another finding is that counties that initiate the paternity process early are likely to have much higher success rates. McLanahan et al. (Vol. II, Paper 3) found that children who were younger when the intake interview took place were much more likely to have paternity established: in more than one-third of the cases in Dane County, Wisconsin, the intake interview occurred before the child was born, and they attribute the very high adjudication rates in this county to these early starts. Wattenberg and her colleagues (Vol. II, Paper 4) find that more than 60% of the unmarried fathers in her sample were present at the births of their children, which suggests that starting the paternity establishment process in the hospital (or even before) may lead to higher adjudication rates.

Counties that can process cases quickly are also likely to have much higher success rates. Nichols-Casebolt argues that when tne system is slowed by time lags, tasks often need to be done more than once. For example, if a mother provides an address for the father during the intake interview, but the case does not proceed for some time after that, a search for the father's address may then be required.

Finally, effective record-keeping systems are important to success. Maniha notes that the technology used in state child support systems is often quite inadequate. Adams and his colleagues

argue that the capacity to share information electronically throughout the paternity establishment process is a necessary ingredient in an effective system.

Characteristics of Mothers and Fathers Associated with Successful Adjudication

In the simple cross-tabulations reported by Barnow (Vol. II, Paper 1), mothers who were white non-Hispanics, aged 20-29, had one or two children, had at least a high school education, lived in the suburbs, or had family incomes between $5000 and $15000 were most likely to have had paternity established. In his multivariate analysis, women aged 20-29, those having younger children, and those not living in the West were all significantly more likely to have had paternity established. McLanahan et al. (Vol. II, Paper 3) found that nonwhite mothers were less likely to have paternity established, as were older mothers and mothers of children born outside Wisconsin.

Four papers provide information on the characteristics of fathers. Pirog-Good (Vol. II, Paper 5) and Lerman (Vol. II, Paper 6)) both note that we have much more information on mothers than fathers, and both use the National Longitudinal Survey of Youth to obtain data on fathers. While each has a specific focus--one on teen fathers, the other on young absent fathers--their findings provide important insights concerning fathers in paternity cases. Pirog-Good reports that teen fathers are more likely to come from single-parent families and from families of lower socioeconomic status, tend to have been in more trouble with the criminal justice system, to have lower levels of education, and to experience divorce. Teen fathers tend to enter the labor force earlier than men who don't become fathers in their teens, and thus have higher incomes through age 20. However, their average earnings do not rise as fast as non-teen fathers, and their mean earnings even decrease by the time they are 29. Teen fathers are unlikely to pay child support.

Lerman examines the relationships among earnings, fatherhood, marriage, and child support behavior among young men. He finds that educational levels, skill levels, and other characteristics of

young men have strong impacts on earnings and child support. Unwed fathers earn less than all others, and they also pay the least child support. The relationship between child support and earnings is complicated: earnings in one year are clearly linked to higher child support payments in the next year, and child support payments in one year are linked to higher earnings in the next. Lerman concludes that policies should not only provide training to increase earnings, but might also attempt to increase the motivation to pay child support.

Both Wattenberg (Vol. II, Paper 4) and Meyer (Vol. II, Paper 6)) have data focusing specifically on fathers in paternity cases. Those that Wattenberg interviewed, partners of young AFDC recipients, were a very low income group. Although many were working, their jobs were marginal unskilled, low-paid, or part-time. Meyer found that many fathers had very low incomes at the time paternity was established, averaging between $9,000 and $12,000/year. However, many especially of the older fathers, had moderate incomes, with about 30% of those over age 30 having incomes over $20,000. The incomes of many of the fathers increase dramatically over time, with almost 20% increasing incomes by more than $10,000 in a three year period.

Lack of National Consensus

Many would now agree that there are advantages to society and to the children themselves in establishing paternity for almost every child born out of wedlock. But the authors of these papers and the participants at the conference noted that although there is a trend toward establishing the right to have a father, there is no agreement on how strong that right should be. Is it stronger, for example, than the right of a mother not to have contact with the father? Is it stronger than the rights of men who are not completely sure that they are the fathers? How strong should be the link between establishing paternity and securing a child support obligation?--weak, so that many paternities are established, or strong, so that children obtain the financial support to which they are entitled? Is there

a societal interest in establishing paternity parental responsibility, even if child would not benefit? The responses to these questions lead to specific policies.

Adams and his colleagues (Vol. I, Paper 5) argue that the system is beginning to focus more on efficiency, perhaps at the expense of the father's right to due process and his right to representation. Several factors are interrelated: states are moving toward encouraging voluntary consent, and some men who acknowledge paternity may not understand the implications of their statement. Second, many states and counties have moved toward greater use of default judgments, clearly favoring efficiency at the expense of due process. In Virginia, blood test results indicating a 98% or greater probability of paternity are not rebuttable, raising the possibility that up to 2% of the putative fathers may wrongly be assigned paternity, and with it an eighteen-year financial obligation. Finally, in some locations the petition for paternity is made by a branch of the court itself, raising questions concerning whether a fair hearing is given.

III. Direction for Policy

The conference papers have several policy implications. They point to the need for strengthened linkages between AFDC and child support workers. They indicate the desirability of regular monitoring of the incomes of fathers in paternity cases, since the earnings of many may rise substantially over time. They make it clear that we must devise ways to speed the paternity process and to get it started as early as possible.

Many states have already begun to take action along these lines. A number of them are increasingly encouraging voluntary acknowledgment of paternity. In the state of Washington, for example, hospitals are required to give fathers the opportunity to sign an affidavit of paternity. The program appears to be successful in that the state is currently receiving an average of 644 affidavits per month, compared to approximately 1550 births to unmarried parents each month. While this is

not required of the hospitals in Virginia, the child support agency has signed agreements with several hospitals that provide a small fee for every voluntary acknowledgment the hospital provides.

Several states are experimenting with techniques to speed the process of establishing paternity. One method is to encourage paternity establishment outside the legal system. In Virginia, a voluntary acknowledgment of paternity has the same force and effect as a court order. Another means of speeding the process is to issue default judgments: in Oregon, one-third of the paternity cases are now decided by default (Adams et al., Vol. I, Paper 5).

States are also attempting to begin paternity establishment at an early stage. For example, Delaware has implemented a new program in which public health nurses contact unmarried women toward the end of their pregnancy and explain the benefits of paternity establishment. A referral is then made to the child support office, which follows up after the birth of the child. The program in Washington that requires hospitals to offer fathers an opportunity to acknowledge paternity has shown significant success in establishing paternities, and similar programs in Virginia and in Kent County, Michigan, are also showing signs of success. Nichols-Casebolt suggests that states should go so far as to base child support staff in selected hospitals (Vol. II, Paper 2).

Attempts are being made to increase incentives for child support offices to give priority to paternity cases. In Wisconsin, Ohio, and California, payments are provided to counties that have high levels of paternity establishments (U.S. Department of Health and Human Services, 1990). In Pennsylvania, workers can receive cash bonuses for establishing paternity.

Three papers suggest that the we reexamine the incentives in place for parents to cooperate with the child support office. Currently there is a child support "pass-through," according to which the first $50 per month paid by the noncustodial parent of a child receiving AFDC goes to the custodial family, the remainder serving to offset the costs of AFDC. Prior to 1984, when the pass-through was established, all child support went to offset the costs of AFDC. The intent of the pass-

through was to provide a monetary incentive for custodial parents receiving AFDC to cooperate with the child support agency and also to give noncustodial parents some incentive to cooperate, since at least a portion of their payment would go to their children. Yet the amount of $50 per month may not be large enough. Wattenberg (Vol. II, Paper 4) reports that some of the young men and women who were interviewed by her project suggested that at least $100 a month would be more appropriate. Nichols-Casebolt states that some of the intake workers in Maricopa County, Arizona, believe that AFDC mothers may be unwilling to cooperate with the formal child support system because the potential benefits ($50 a month) are less than the potential cost involved in jeopardizing their relationship with the child's father. If, on the other hand, the father pays informally and the mother reports to the child support office that she does not know where he is, both may be better off financially. Adams and his colleagues do not specifically mention the pass-through, but observe substantial reluctance of clients to cooperate with the child support system. They assert that this indicates "that administrative reforms alone might not be sufficient, and that interventions aimed more directly at influencing client attitudes might be required to achieve the performance standards prescribed in the 1988 legislation."

Nichols-Casebolt and others have suggested that increased education might be an appropriate strategy--that mothers who are made aware of the benefits of paternity establishment will be more likely to desire it, and that fathers may develop stronger relationships with their children if they have been motivated to accept responsibilities. Several states and localities have developed educational materials on paternity and on child support for use in schools.

An educational strategy alone, however, has serious weaknesses. A study in Nebraska found that paternity establishment rates were not significantly higher for mothers who received "education" concerning the benefits of establishment (Price and Williams, 1990). In addition, if education increases the number of clients who expect paternity services and the child support system is not

given additional resources, the system will not be able to handle new cases efficiently and may have raised the expectations of mothers, to no avail.

Finally, Wattenberg and her colleagues (Vol. II, Paper 4) and others have suggested that we completely separate the establishment of paternity from the child support process. They suggest making a "Declaration of Parentage" form routinely available so that a simple statement before a notary will establish paternity. Paternity establishment would therefore not be connected to the legal issues of child support, visitation rights, or custody, issues which may not be relevant to the couple at the birth of the child.

It is unclear, however, that these processes can be disentangled. When a court reviews a request for child support on behalf of a child born out of wedlock, some determination of parentage must be made. If the Declaration of Parentage form is accepted by the courts, then the processes are linked. If it is not legally binding, then how can it be used to grant the child eligibility for benefits from the father? Other benefits of paternity, such as medical history, genetic information, and emotional and psychological links are based more on whether the father is known than on whether a form has been signed.

Others advocate decriminalizing the whole paternity adjudication process, streamlining the process for those who voluntarily acknowledge paternity. Many states have moved in this direction, and, indeed, it is strongly encouraged by the Family Support Act.

IV. Future Research

The papers tell us what gaps in our knowledge remain to be filled. First, we clearly need more accurate data. No current national data set can help us understand the characteristics of women who have had paternity established as opposed to those who have not. We have even less accurate data on the fathers, and no data that link specific mothers and fathers. We have very little

information on individual mothers, fathers, and children over time. On the aggregate level, we now have some data from the states on the percentage of cases in the IV-D system for whom paternity has been established. But the accuracy of this information is still open to question, and even after audit the numbers may be subject to error until automated systems are in use in every state. How do we know if new national policies on paternity are needed, and how do we gain suggestions concerning how they should be designed, if we do not have an accurate picture of the current system? In the absence of national data, perhaps data from individual states should be more thoroughly analyzed and disseminated.

We are only beginning to understand the relationship, if any, between the structure of child support agencies, paternity practices, and adjudication rates. The work presented here shows a wide variety of structures, practices, and rates and presents some findings on the relationships between structures and practices (Holcomb et al., Vol. I, Paper 4; Adams et al., Vol. I, Paper 5; Nichols-Casebolt, Vol. II, Paper 2) and between rates and structures or practices (Sonenstein et al., Vol. I, Paper 6; McLanahan et al., Vol. II, Paper 3). But Sonenstein and colleagues remind us that a snapshot of outcomes and practices does not assert causality: in fact, some "best practices" may be associated with poor outcomes in a cross-section, because they were instituted in response to poor performance. In addition, as Maniha notes, we presume there is a relationship between expenditures and effectiveness, but we are not sure what the relationship is. Effectiveness is probably also related to the characteristics of the individuals seen, but we have no theory and little understanding of any links between characteristics and effectiveness. Clearly, additional work (perhaps using longitudinal data) on the factors associated with program performance would be helpful. A related set of unanswered questions concerns the paternity practices of the child support offices in regard to teen fathers. For how many of these fathers is a formal declaration of paternity deferred until they are

older or gain a reliable income source? How many of these "deferred paternities" are eventually established?

We know little about the child support behavior of men after their paternity is established, other than that they tend to pay less than other noncustodial fathers. Do their awards change as their income changes? Does compliance increase over time? If lack of compliance is found, does it result from changes in income, changes in willingness to pay, or other factors? How much informal support is provided, and does it change over time? Although it appears that a large majority of noncustodial fathers cannot initially pay an amount of child support sufficient to raise their children out of poverty, to what extent can child support decrease the poverty of these children in the longer term? Can enough child support be collected to end reliance of mothers and children on AFDC?

We lack knowledge of the relationship between paternity establishment and visitation. Do fathers who have had paternity formally established have more contact with their children? Does this contact continue throughout the child's life? If there is increased contact, what are its effects?

Little research exists to help us understand the mother's perspective on paternity establishment. Although Wattenberg has begun to obtain the views of AFDC mothers and fathers on the costs and benefits of establishing paternity, her work needs to be corroborated beyond the Minneapolis-St. Paul area and for broader samples. We know about the extent to which sanctions for not cooperating with paternity establishment are used and their effects. We know little about the factors involved in a decision not to pursue paternity for those not on AFDC. Policy approaches that increase the incentive to establish paternity, such as a guaranteed amount of child support for custodial parents who have had paternity established, need to be tested and evaluated to see if they are effective.

Perhaps most important, we know little about the longer-term effects of paternity establishment. Most of the work to date has implicitly assumed that establishing paternity would

benefit children in the long run, but this assumption is not based on research. The first effect would presumably be increased financial support for the child, but we have few data on the effects of paternity establishment on later child support awards and payments. Are child support awards established? Do fathers pay? Even if we observe that fathers who had paternity established five years ago are paying modest amounts of child support now, a further question remains: What if the fathers, mothers, and children for whom paternity was established five years ago were a fairly select group; would establishing paternity for all other families now have the same effect?

The relationship between paternity establishment and the well-being of the child is not settled. If paternity is established routinely, what effects would this have? Would it increase contact between fathers who would otherwise not be involved with their children? If so, what effects would this have? Would increased contact increase conflict between the parents? To what effect? Some work has been done on this question for children affected by divorces (McLanahan et al., 1991), but not for children born out of wedlock.

A host of research issues have not yet been addressed. Answers to the questions posed, as well as others, are critical if our society is to develop effective policies in an area of growing importance.

ENDNOTES

[1] Because most national data sets do not permit accurate identification of all children born from nonmarital relationships, researchers usually rely on data on never-married mothers. A nonmarital child who is not legitimated and whose mother eventually marries is also eligible for paternity establishment and child support, but these analysts miss this group. In addition, some divorced, separated, and widowed women have nonmarital children who eligible for paternity establishment.

[2] Note that the emotional are psychological benefits are available to all children who know their fathers, while the other benefits mentioned are available only when paternity has been formally established.

[3] The lack of automated reporting systems creates doubts about the accuracy of some state reports. In addition, paternities established has not been a number that mattered in the incentive payments to the states, so may be less accurate than some of the other reported numbers.

[4]As a part of vital statistics, the number of nonmarital births is collected on an annual basis, but there is no aggregate count of the number of children eligible for paternity establishment at a single point in time.

[5]This method also does not capture children born out of wedlock whose mothers subsequently married nor those who were born out of wedlock to women who are divorced, separated, or married.

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A Brief History of the Legal Structure for Paternity Establishment in the United States

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A BRIEF HISTORY OF THE LEGAL STRUCTURE FOR PATERNITY ESTABLISHMENT IN THE UNITED STATES

This paper traces a brief history of the development of the judicial process for the establishment of paternity in the United States. This development has been greatly affected by two quite discrete factors. One is the structure of the legal institution of paternity establishment; the other is the development of improved scientific methods of proving paternity. Following is a discussion of each of these influences and how they have played out over the years.

I. The Legal Institution of Paternity Establishment.

The paternity establishment process dates back at least to the late 16th century when bastardy actions were included as part of the English poor laws. Those laws were motivated by the same concerns about saving money for the public coffers as drive the current push to establish paternity under the Family Support Act of 1988. Without a determination of paternity, a child support order cannot be entered against the father of a nonmarital child and the public can neither require that parent to support the child nor collect from him reimbursement for support furnished the child.

Prior to 1576 when the Elizabethan Poor Laws were enacted it was not clear that either the mother or the father of a child born outside marriage was required under English law to support the child and the child was usually supported by the public through the local unit of government, the parish. The 1576 law provided that the parish could order the father or mother to make weekly payments for the support of an illegitimate child. Upon failure to comply with the order, the parent could be jailed. This Elizabethan Poor Law was the forerunner of all Anglo-American legislation enacted to secure support for the child born out of wedlock. At that time an illegitimate child was called a bastard and the proceeding became known as a bastardy proceeding.

In 1576 as the Poor Law statute noted "bastards begotten and born out of lawful matrimony" constituted "an offense against God's law and man's law." Nonmarital sexual intercourse was both a sin and a crime--both a moral and a government offense--in the legal and moral context of the times. Therefore, the alleged father was in fact being accused of a crime. The law reflected this. It was quasi-criminal, providing for the arrest of the father, proof beyond a reasonable doubt and other features of criminal cases.

When the American colonies, and later states, began to formulate a structure for requiring parents to support their illegitimate children, they imported the bastardy proceedings already utilized in England. As a result, paternity proceedings in the United States have been greatly affected by the two features of the English bastardy proceeding discussed above--the fact that the action was quasi-criminal and that its objective was to obtain support for the child--or at least reimbursement for public expenditures on the child's behalf.

Although the American states began early on to modify the paternity action and to use some civil procedures, the criminal law orientation remained strongly evident. In 1922 when the Commissioners on Uniform State Laws proposed a Uniform Illegitimacy Act, it provided a quasi-criminal proceeding in which a warrant was issued for the alleged father,a preliminary hearing to determine probable cause was held, and the defendant was required to post bail for his appearance at trial. The National Conference of Commissioners on Uniform State Laws is a prestigious quasi-governmental law reform group that has spearheaded some of the major law reform efforts in the United States, but this first effort in paternity did not do a great deal to clear up the confusion caused by ambiguous legislation.

Over the following one-third century things changed slowly. In 1960, however, the Conference changed its approach and replaced the Illegitimacy Act with a Uniform Act on Paternity that dropped the quasi-criminal procedures and provided for a civil proceeding. Then, in 1973 the

Conference proposed more progressive legislation, the Uniform Parentage Act. The Uniform Parentage Act reflected a series of United States Supreme Court cases that mandated equal legal treatment of legitimate and illegitimate children; in moving to equal treatment the Parentage Act set up presumptions of paternity and continued the provision for a civil procedure to ascertain paternity. In addition, it added a new concept of a pre-trial procedure to expedite the proceedings. Although the Uniform Parentage Act has been adopted by only 18 states as of the end of 1991, it has influenced the paternity procedures used by states. Although today only a few states retain the quasi-criminal procedures of issuing a warrant and requiring bail and most provide that the action is a civil one, there is lingering confusion and problems. As late as 1988, the federal Family Support Act tried to foster the civil approach by providing that "each state is encouraged to establish and implement. . .a civil procedure for establishing paternity in contested cases."

The second legacy of the Elizabethan Poor Law that has greatly affected American paternity procedures is the focus of the process as a collection device to reimburse the public. Originally, the right to bring the action was limited to the governmental authority that was providing support. In England, it was not until 1844 that the right was extended to the mother. American jurisdictions, also viewing the procedure as a means to obtain support, followed the English lead and limited the right to bring the action to the mother or a governmental authority. When the 1922 Uniform Illegitimacy Act was under study, the federal Children's Bureau, studying paternity as a child welfare problem, recommended that an authorized public authority should have the right to bring a paternity proceeding when, in its judgment, paternity should be established. Although this was probably overly paternalistic, it did recognize that there were reasons other than support to ascertain paternity. But when the Uniform Act was proposed in 1922, the Commissioners limited the right to the mother, or if the child was likely to become a public charge, to the authority charged with its support. The

Commissioners took the view that a paternity proceeding should not be initiated over the objection of a mother who was willing to support her child.

This is a view that has persisted well into the latter decades of the twentieth century. A study in the early 1980s of paternity statutes in the United States found that in most states the ability to bring a paternity action was limited to cases where the mother brought or requested the action or the child was receiving, or was likely to receive, public support. Yet, by the 1980s, there was general recognition that the establishment of paternity for a child serves a number of public policy objectives in addition to support. It provides the child with a sense of identity arising from a familial relationship with his or her father. It gives the child access to genetic and medical information about his or her ancestors, an information source of increasing importance to our health. It provides the child with the possibility of acquiring inheritance rights and establishing eligibility under certain benefit programs, such as social security and workers' compensation benefits. For these reasons, the child, or someone on its behalf, ought not be foreclosed from establishing paternity in its own right. Furthermore, the changing constitutional law on gender discrimination has resulted in some courts recognizing the right of a father to bring a paternity action, even in the absence of statutory authorization.

In both the case of the child and the father, statutory statement is moving in the direction of authorizing them to establish paternity. The 1973 Uniform Parentage Act provides that both a child and an alleged father may bring a paternity action.

II. Scientific Blood Testing

The second factor that has greatly influenced the legal process of paternity establishment has been the development of blood testing techniques that aid in the identification of the father. In order to understand why blood testing is so important, it is necessary to be aware of the other evidence that

is available in a paternity action. Absent some kind of scientific data, proof of fatherhood--unlike proof of motherhood--is highly problematic because of the nature of the evidence. In fact, one commentator has characterized the issue as "elusive."

The procedure in a paternity suit involves the introduction of evidence of the probable period of conception based upon the date of the child's birth and other factors such as the child's birth weight and stage of development. Sometimes state statute sets a period of days before the birth that are presumptively the period of conception. This is based on common medical experience. Next, proof of sexual intercourse by the defendant with the mother must be introduced. If that occurs within the period of possible conception, the trier of fact--either judge or jury--may find the defendant to be the father. Since sexual intercourse is a private activity to which there usually are no witnesses, the evidence of sexual intercourse is often a matter of believing one or the other of the parties--the mother or the alleged father.

Historically, there has been a widespread belief that perjury is fairly commonplace in paternity actions. A study done in Chicago several decades ago attempted to measure the incidence of perjury in paternity cases using a lie detector test. It found that 57% of the men who, as defense witnesses for the alleged father, testified that they also had intercourse with the mother during the possible period of conception admitted that they lied; and 48% of the mothers who testified that they did not have intercourse with anyone other than the alleged father during the possible period of conception had also lied. This issue, of course, probably has been affected by the advent of highly accurate blood tests because oral evidence is no longer the only way to determine paternity.

The principal defense to an action for paternity has always been that the mother has had sexual relations during the period of possible conception with a man or men other than the alleged father. If the mother admitted the intercourse with others, historically the action has been barred.

The reasoning was that the mother had not sustained her burden of proof if the evidence showed that any one of several men could be the child's father. If, however, the mother denied the intercourse with others, traditionally the case still went to the jury who could believe the mother and find the defendant to be the father. Both of these issues--the dismissal of the action if the mother acknowledges intercourse with more than one man during the possible conception period and the reliance on the credibility of the witnesses--are being greatly affected by the availability of accurate blood testing.

In the absence of better evidence, the paternity establishment process developed some very interesting evidentiary rules intended to reach the issue of whether a given man was the father of the child. Perhaps the most unusual--a better term maybe bizarre--rule dealt with what the law of paternity called "evidence of resemblance." This involved either exhibiting the child to the jury so that the jury could determine whether the child bore a likeliness to the alleged father or introducing testimony by friends or relatives as to the resemblance between the alleged father and the child. Although many states sensibly did not allow such evidence, those that did developed elaborate rules governing its admission. These rules related to such issues as the age of the child, recognizing that usually the younger the child the less likelihood there is of a resemblance between the child and an adult. However, there are appellate court cases allowing children as young as six months to be exhibited to the jury for resemblance purposes. The most celebrated paternity case involving resemblance evidence was probably that of Berry v. Chaplin, 169 P.2d 442 (CA, 1946), in which a paternity suit was brought against the comedian, Charlie Chaplin. The California trial court had the mother, child, and father stand before the jury so it could determine the resemblance of the child to Chaplin. The jury found him to be the father, although there was also blood test evidence in the case that excluded him as the father. In affirming the finding of paternity the California Supreme Court said, "We see no reason why [the jury] should not have been given the benefit of personal

observation of the parties and we have not been referred to any authority to the effect that such an order of the court is improper or prejudicial. On the other hand, such a comparison has been expressly approved (citing cases). . . . The jurors were entitled to the ocular demonstration ordered by the court,and it will be assumed that they exercised their powers of observation rather than of imagination."

This brief summary of some of the approaches to proof of paternity in the legal system makes evident the vacuum filled by scientific developments in the ability to identify parentage using genetic evidence. In view of the high value of better evidence to the paternity establishment system, it is interesting that the legal system was downright hostile to the use of blood-test evidence for a substantial period of time.

Blood-test evidence in paternity actions began to be offered beginning in the 1930s. These tests were usually based on the ABO blood typing system, a far less sophisticated and less definitive identification tool than methods of analysis available today, but operating on the same basic principles. If one knows a father's gene type for a trait, such as blood type, then one knows something about the child's. This is because humans, like many other organisms, possess genes in pairs, inherited one from each parent. If neither of the child's pair for a particular characteristic is the same as either of the alleged father's then that man cannot be the father of the child except in the rare case of a mutation--a situation so rare that it is disregarded for purposes of determining paternity.

Such evidence should have great probative value. But like any other kind of newly available evidence, this blood test evidence excluding a man as the father, had to face the hurdle of being admitted into evidence in a paternity case. Courts faced with this new evidence applied common law standards of general acceptability in the scientific community to determine whether they would admit the evidence at all. At first, many courts were unwilling to take the chance and admit it. And, once admitted, the courts were faced with the question of the weight they were to give it. Should it be sent

to the jury to be weighed along with all the other evidence? Or, in view of the fact that the scientific evidence excluded the man as the father, should it be conclusive,i.e., require dismissal of the suit against the alleged father? In the case of Berry v. Chaplin, discussed above, the California rule at the time was that the blood test evidence was to go to the jury to be weighed along with the other evidence in the case. Although all of the expert witnesses who testified agreed that the test excluded Chaplin as the father, the jury was not bound by that evidence and could find, as they did, that he was the child's father.

In 1952 the Commissioners on Uniform State Laws proposed legislation, the Uniform Act on Blood Tests to Determine Paternity, that set forth the weight to be given to blood tests excluding a man as father. It provided that if the blood test experts agreed that the father was excluded by the tests (the Chaplin case), that evidence was conclusive. If the experts disagreed, the act provided that the tests were to be submitted with the other evidence. The Uniform Act on Blood Tests was incorporated by the Commissioners in the 1960 Uniform Act on Paternity. Although neither of these acts was adopted widely in their entirety, today, all states allow the admission of tests for the purpose of excluding men as fathers.

Although the early blood testing technology was reliable when it definitely excluded a man as father, it was not anywhere near as probative on the issue of the possibility that the defendant was indeed the father. The fact that a man and a child share a genetic marker may mean only that the man is one of a very high percentage of the male population that might have that genetic marker. As a result courts were very reluctant to admit evidence that a man might be the father because they were concerned that the prejudicial effect of such evidence might outweigh its probative value. However, it was also recognized that some genetic markers were sufficiently rare that their occurrence in both the man and the child did increase greatly the probability of paternity. The early legislative response to this, embodied in the Uniform Act on blood tests, and later in the Uniform Paternity Act, was to

provide that if the experts concluded that the tests indicated a possibility of the alleged father's paternity, the court was authorized to admit the evidence in its discretion, depending on the infrequency of the blood type. In 1973 the Commissioners on Uniform State Laws proposed a new act, The Uniform Parentage Act, that provided that evidence of paternity could include "blood test results, weighted in accordance with evidence, if available, of the statistical probability of the alleged father's paternity." None of this legislation was widely adopted and as late as the end of the 1970s, a third of the states still restricted the use of genetic tests to those that excluded the defendant as a possible father.

This reluctance on the part of the legal system--courts and legislators--to recognize technological advance persisted in the face of phenomenal scientific progress. More and more blood types were recognized, creating the possibility of testing for some relatively uncommon genetic markers; the HLA system was discovered; and most recently--as well as most importantly--the structure of DNA, the molecule in which all inheritable information is encoded, was identified. In 1981, one influential legal scholar wrote that "state legislators and state courts have remained far behind these developments and have barely begun to adapt the decision-making process to available blood-typing science and technology."

Then, in less than a decade in the 1980s there was a virtual revolution in the way the legal system viewed genetic proof of paternity. By 1987, all states except one had adopted statutes authorizing the admission of genetic evidence to prove paternity and at least eight had a statutory presumption of paternity when the genetic evidence was considered strong enough.

III. Conclusion

This brief summary has explored two factors that have greatly affected the course of the development of the legal institution of paternity establishment. One--the historical factor of a quasi-

criminal proceeding to collect reimbursement for public expenditures--was in many ways dysfunctional for the public policy objectives we now see as important in paternity establishment. The other--involving the interaction between law and science--has evolved into what Judge Orman Ketchum suggested years ago is more of a medical question than a legal one.

In the last quarter century or less, the changes in the legal structure--and the accompanying scientific evidence--for ascertaining paternity have been revolutionary. The next logical step as suggested above may be to treat the issue of paternity, with appropriate safeguards, as a medical one, not a litigated one. That logical step may, of course, be some time off.

New Data on State Performance in the Establishment of Paternity: Is It Valid and What Use Can Be Made of It?

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The Family Support Act of 1988 mandated that the states must perform paternity establishment functions and obtain results at a minimum level or be financially sanctioned. The minimum levels prescribed by Congress are that the percentage of all children in Title IV-D cases who have been born out of wedlock must have had paternity established totaling at least the national average percentage of such state paternity establishments, or 50 percent of all such cases, or must have increased by at least 6 percentage points from a baseline by September 30, 1992, at which time another reading will be taken.

This necessitated the calculation of baseline percentages of paternity establishment for eligible children in each state as of December 31, 1988, a time-consuming and difficult undertaking for many states, especially those without a central registry of cases. It was thus decided to allow the states to sample if they so opted rather than require a census of all children. The sampling process was designed by Lewin I.C.F. and a committee of several people prominent in data collection techniques discussed and reviewed the results.

The sampling methodology has been elsewhere discussed, but basically, it was designed to give the Office of Child Support Enforcement (OCSE) sufficiently detailed information about the status of paternity establishment so that judgments of paternity establishment performance relevant to the Congressional mandate could be made with confidence. The determination of whether a state has increased its paternity establishment rate by at least 6 percent from a baseline requires a relatively large sample of child support cases given the fact that not every case will contain children born out of wedlock. The requirement would have been very much simpler and to the point statistically were it possible to obtain a random sample of all children born out of wedlock and in IV-D cases. This could not even be approximated by more than a few states, given the current level of automation. Most states could not supply such a list. Thus, the sampling frame had to be cases which are non-custodial parents obligated to pay child support, some or all of whose children, included in the case file, may have been born out of wedlock.

The question of how well the states performed the task and how reliable the data are, forms the first topic of this paper. (A copy of the data arrayed in descending order is attached to this paper.) The effort as a whole cannot yet be judged. Puerto Rico and the Virgin Islands have yet to turn in percentages, and Ohio only recently completed the number. We cannot know for sure how successful the effort was until the results of reviews by the OCSE auditors are all completed. For now we can only outline briefly some of the problems encountered in following the sampling methodology prescribed by OCSE and speculate, with the use of some data analysis, how close we may have come to the real status of paternity establishment in the nation as of the last day of 1988.

As indicated above, the real problems arose for states without a central register of cases, or states wherein the case folders resided in the counties. The sampling methodology prescribed by OCSE for those states choosing to sample (a little less than half the states) provided for use of a sampling interval based on the size of the caseload and the number of cases needed to sample the requisite quota of out-of-wedlock children for producing a precise reading on the extent of the successful performance of paternity establishment. All open cases were to be arrayed in some fashion, either conceptually or literally, and every nth case chosen for analysis, according to the sampling interval required to provide the case quota for that state. Where cases were not physically located at some central spot, or where there was not a listing of all cases such that a computer could choose case numbers to be pulled for analysis, the application of a sampling interval proved to be difficult and was probably not accurately applied in several states. To the extent that the interval was not consistently applied across all possible cases in the sampling frame, unknown bias was introduced into the sample.

Another negative result of failure to apply the sampling interval properly is that the transformation of sample results into population estimates is compromised. In an exercise where some states sampled and others did censuses, it is necessary to turn the sampling figures into population figures in order to calculate a national average. If the interval has been appropriately applied during the sampling process and the sampling frame is complete, then it should be a simple process to turn a particular number of AFDC or non-AFDC children resulting from a sample of a particular size into an estimated population number. This may not be an accurate process if the sampling interval has been incorrectly applied.

From the earliest weeks when states began submitting the results of their counts, there was concern about the validity of the numbers. Some numbers were, quite simply, unbelievable and a method was needed to ascertain external validation of the percentages. That is to say, the paternity numbers needed to be checked against other known-to-be-relatively-accurate numbers to see if they made sense. The audit road to such validation is a lengthy process and depends on an audit schedule that stretches over several years before all states are completed. Some indication was needed sooner than audit's final word on the accuracy of the numbers received from the states.

One of the methods used was to try to find proxies from program data that would indicate how close the paternity baseline numbers might be to reality. If the numbers were not inconsistent with the proxies, and, of course, if the proxies were any indication of reality, then confidence in the paternity baseline percentages would be boosted accordingly.

Program and vital statistics data suggested two proxies for testing against the paternity baseline percentages. The paternities that states reported established from 1984 to 1988 were summed and calculated as a percentage of the child support caseload for the target year 1988. A second proxy was the number of paternities that had been established in 1988 as a percentage of the number of women who had had out-of-wedlock births that year. Both measures can be conceptualized as indicators of level of effort, degree of response to the paternity establishment problem in a particular state. If a state had been zealous in pursuing paternities, then that should be reflected in its point-in-time baseline number and also in the value of the proxies.

Admittedly, the proxies are not ideal, and they certainly are not substitutes for the paternity baseline. The annual statistic "number of paternities established" (which for years has been collected as part of program data), important as it is, indicates nothing about how effective the states are at keeping up with the trend. The paternity baseline is a unique number and does not exist in any other form in program statistics. For all the problems these percentages have as valid indicators they are the only numbers of their kind purporting to show the degree to which the states have been doing something about the ballooning out-of-wedlock birth rate, now, according to the National Center for Health Statistics, at more than a quarter of all births in 1990, and growing.

For out-of-wedlock births, paternity establishment is the gateway to child support collections. Without it, there is no child support in very many cases. Congress, of course, was reacting to this growing social problem when it enacted the legislation designed to make the states more effective. These difficult-to-produce measures of paternity establishment effectiveness had never before been mandated and understandably had therefore never been done. They are, thus, a very important assessment of how well the nation is doing in the area of paternity establishment - if any confidence can be placed in them - and it becomes important to test their validity, if possible.

After proxies had been operationalized, Spearman's rho, a well-known and widely used measure of association for ranks, was used to test the hypothesis that there is no relationship between the paternity baseline and the proxies, that is, the way states rank on the paternity baseline measure bears no relationship to the way they rank on the other two measures of paternity performance meant to proxy their activities in establishing paternity. The hypothesis in statistical tests is always that there is no relationship between the ranks, that is, that the data arrayed in the two ranks are from different universes and do not measure the same phenomenon. A test is then applied, and based on the results of the test, the hypothesis is rejected or not.

The two proxies for a state's paternity establishment activities used here produced positive results. Total paternities established from 1984 to 1988 as a percentage of the 1988 caseload showed a rho of .5954 and paternities established in 1988 as a percentage of births to unmarried women in 1988 showed a rho of .561. Both of these statistics are large enough (statistically significant at the .05 level) that the hypothesis that the two proxies and the paternity baseline ranks are unrelated can be rejected. That is a technical way of saying that there is some reason to believe that the two proxy measures of state paternity activity, based as they are on actual counts of births to unmarried mothers and paternities established, indicate levels of effort in paternity that are also reflected in the baseline numbers.

That said, a further caveat follows. This limited test of external validity of the numbers says nothing about individual state ranks or about the magnitude of the number they reported. It only speaks to the rough, overall ranking of the states. It can be said, on the basis of the rho statistics calculated that states can probably be ranked in general groups as good, fair, or bad at establishing paternity. The known and potential problems and inaccuracies in the data from each state led to the decision to treat the percentages as ranked (or ordinal) data and not as interval data. Hence, the use of Spearman's rho, an ordinal statistic measuring correlation.

In order for the baseline numbers to be used for their legislatively intended purpose, that is, whether or not a state is meeting the Congressional targets for paternity establishment and should or should not, on the basis of that performance, be financially sanctioned, different validation techniques are necessary. OCSE is currently engaged in auditing the submissions for accuracy, but this process has only just begun and there are as yet no reportable results.

What are these data good for, then? One example of their use with policy implications has to do with the costs associated with establishing paternity. These costs for 1988 varied greatly from state to state. The average paternity establishment (total costs for paternity activities divided by total paternities established) comes to $4 in Georgia and $5233 in Texas. The absolute value of the Texas figure is undoubtedly invalid as an average and is either wrongly reported or due to some extraordinary circumstances for 1988, but that is the range reflected in the reported figures for that year, and gives a fair indication of the amount of variance in what it costs states to establish paternities.

Obviously, if the states are mandated to step up their paternity services, it is of some concern that the process may cost a lot of money that no jurisdiction has to spend as measured by the

baseline paternity statistics. Does a state become "good" at paternity establishment by outspending other states that are "bad" at it? More specifically, does effectiveness at establishing paternities have any relationship with the average cost of establishing them, i.e., does success at paternity establishment come with greater cost, or is there no relationship? If a state is currently not measuring up to the standards for paternity establishment set by Congress, and must begin to be more successful at this activity, must that state expect to have to spend a significantly larger amount of money in order to do so? What can be deduced from the experience of states that are already successful at the establishment of paternities, as measured by the baseline data?

In order to suggest answers to some of these questions, the rank order of paternity baseline percentages was compared with the rank order of average-cost-per-paternity dollar amounts. Again, the Spearman's rho statistic was used to test the hypothesis that there is no relationship between the two ranks. The rho was calculated at -.267, a modest negative relationship (statistically significant at .1 level), indicating that there is some tendency that "good" paternity states spend less per paternity establishment than "bad" states, as measured by the paternity baseline figures.

This may mean that states that are successful at paternity establishment have a larger number of "easy" cases than states that do not do well, or it may mean that they are successful at paternity establishment in a cost effective manner because they use cheap techniques (such as stipulation without court or blood testing costs) in more cases. At the least the data are suggesting that states that are good at paternity establishment are also often states that effect those establishments in a cost-effective manner. These data suggest that paternity success does not necessarily translate to high costs per case. States not measuring up to Congressional standards as of 1988, may have to explore administrative, logistical, and legal methods to conform cost effectively to the mandated paternity requirements. These data suggest that this can and is being done by some states already successful at meeting paternity establishment standards.

A closer look at these data are warranted, however, because the rank order correlation is not overwhelmingly large. If the array of state paternity baseline percentages is broken down into rough ten-point intervals a further insight emerges.

AVERAGE COST TO THE STATE OF ESTABLISHING 1988 PATERNITIES ARRAYED BY PATERNITY BASELINE PERCENTAGE

Paternity Baseline Interval	Average Paternity Cost
84-64 Percent	$497
61-51 Percent	$400
48-41 Percent	$385
39-30 Percent	$348
28-20 Percent	$524
18-11 Percent	$600
Average for all States	$422

NOTE: Paternity costs in some states may be under- or over-reported because the state is unable to allocate paternity costs to that specific category. These data are as reported and unaudited so caution should be exercised in their interpretation.

What these data suggest, if they are accurate or nearly so, is that indeed states that perform poorly on paternity establishment do also spend more money than states that do a better job, but that achievement in the national average paternity establishment range (45%) or even at the 50% range has been accomplished at relatively modest expense compared to the poorest performers. It would seem that poor performing states, given the money they are spending on paternity ought to be establishing paternities at the highest levels. They are not getting what they are paying for, based on the interpretation of these data. The good news is that it should not require the spending of significantly greater numbers of dollars to improve paternity establishment significantly. Good states are perhaps doing things in ways that are cost effective and could serve as ideas or models to states not doing very well in this area.

A GAO report (Executive Report OAI 06-89-00910) has generated information that can provide a profile of the ideal paternity establishment function. The would be one that exists in a climate where it is clear to everyone that paternity is a top priority of the manager. A good public relations program makes this clear to the larger community as well. Judges and legislators are supportive and good laws that foster easy paternity establishment are in place. It is clear in the agency just who is responsible for activities such as intake information - i.e, organization is maximally structured for success. The staff is given resources, training and access to location services and are held accountable for results.

The ideal program would explore ways to persuade mothers to provide paternity information and fathers to accept responsibility without blood tests and court proceedings. This can be accomplished in a number of ways such as hospital

interviews while the father may still be involved with mother and child. Clearly, the cost of paternity is greatly dependent on the extent that mother/father cooperation is effectively managed by the agency.

If a case must go to court the adjudication process should be as efficient as possible. This assumes good laws on the books to begin with, going hand in hand with good court procedures. At the agency level case management needs to be controlled and tracked so that difficult cases do not slip through the cracks. Cases will be systematically, and not randomly or haphazardly, provided with paternity services.

Case processing needs to be simplified: simple forms, computer generated forms, elimination of duplication and overlapping duties, and use of the telephone as much as possible. Finally, the number and skill levels of staff are important. The staff skills must be upgraded and staff replaced when vacancies occur. Successful programs practice investment in human capital, an important component in paternity establishment success.

The big question, of course, is whether or not "good" states as measured by the paternity baseline percentages look something like the ideal type paternity establishment unit described. Correlatively, does one find notable absence of these traits in poorly performing states? These are empirical questions that would make useful further studies.

Clearly, part of the variance in state paternity establishment performance may have to do with the nature of the cases that need processing. What is a "difficult" case to deal with, and does a particular state have a preponderance of such cases in its caseload? There is no data available on this question. Esther Wattenberg's Minnesota data on teen parents indicate that many women have a strong tendency to protect the father's identity and refuse to cooperate. Research on paternity done in Nebraska (Nebraska Paternity Project Final Report, November 1990) indicated that mothers knew a great deal about fathers of their children. Although the Nebraska study found cooperation with child support officials high in general, in each of the five pieces of information about putative fathers asked of the mothers in the study, AFDC mothers lagged behind non-AFDC mothers in providing it. Some unwed AFDC mothers live in a culture that militates against cooperation with child support officials in the establishment of paternity and it may also be true that they understand how to avoid disclosing information while at the same time appearing to cooperate with child support officials within the limits of the law. Information on such issues is extremely important from a policy perspective but cannot unfortunately be built into these calculations.

Much more should be known about the question of disclosure and cooperation and the circumstances under which it is retarded and enhanced. Such questions have been hovering over the child support program since the testimony of anthropologist Carol Stack before the initial Congressional committee hearings for the program in 1975, at which time Stack, based on field work she had done in the Chicago area, thought that a formal program such as Child Support Enforcement would discourage the acknowledgement of fathers for their out-of-wedlock children.

It is, however, possible to approach the issue by shifting to a more global question: Are successful states "good" because the out of wedlock birth rate there is not as large as it is in states that do not do so well? Are states not successful at paternity establishment because they are just overwhelmed by the trend?

In order to gain an insight on this question, two proxies were used. The first was ratio of 1000 live births to unmarried women of all races during 1988. The range of this measure ran from 597 of every 1000 live births to unmarried mothers in the District of Columbia to 111.2 of every 1000 live births to unmarried mothers in Utah. Obviously, the District has a big problem with paternity establishment, Utah has a much smaller potential problem.

Spearman's rho was again enlisted to test the hypothesis that there is no relationship between intensity of the potential paternity establishment problem in a state (as measured by the out of wedlock birth ratio) and the State's level of effort at dealing with this problem (as measured by the paternity baseline percentage). Rho equalled -.117, statistically insignificant.

Although a rho this small requires us to accept the hypothesis of no relationship between intensity of the problem and level of effort, the negative sign of the statistic is interesting. Had the statistic been significant as well as negative, it would have lent credence to the idea that states overwhelmed by the paternity establishment problem tend to make a poorer show of effectiveness in this area and, that conversely, states without a large out of wedlock birth rate do better at paternity establishment. This statement finds no support from the birth rate proxy.

The second proxy for intensity of the paternity problem is the teen-aged out of wedlock birth rate. In 1988, about 66 percent of all mothers under 20 years of age were unwed. If anything, unwed teen mothers represent a greater challenge to potential paternity establishment than older women. Data for this proxy come from "A State-By-State Look at Teenage Childbearing in the U.S." prepared for the Charles Stewart Mott Foundation (1991). This measure's range is from the District of Columbia's 95

percent of all teen aged births to unwed mothers to Idaho's 45 percent.

The statistical hypothesis is that there is no relation between percent of births to teen mothers out of wedlock and level of paternity effort, as measured by the paternity establishment baseline. The Spearman's rho is .211, statistically insignificant. It would appear that at least for these two measures, and by implication, for other measures of prevalence of the paternity problem in a state, there is no support for the explanation that states are good at paternity establishment because the extent of their problem is relatively slight there compared to states that are not good at paternity establishment. Explanations for variance in the paternity baseline figures probably center around management differences. If this is the case, then there is hope for better performance because management problems, difficult as they are, are more fixable than the characteristics of the population with which a state must work.

There are other questions that could be asked of these data, hitherto unavailable. The tentative correlations reported here are meant only to demonstrate that these unique data are credible at least at the ordinal level, and that can be used to illuminate some policy issues. Whether the data are accurate enough to fulfill the purpose for which it was collected, remains to be seen.

Paternity Baseline By State
Established as of 12/31/88

State	Percentage of Paternity Establishment Among Eligible Children
Maryland	84
Iowa	81
Connecticut	80
Delaware	76
Minnesota	74
North Dakota	73
South Dakota	69
Alabama	67
Utah	67
New Jersey	64
Maine	61
Arkansas	61
Wisconsin	59
North Carolina	58
Michigan	57
Pennsylvania	53
Indiana	51
California	51
Nevada	48
New York	46
Ohio	44
Vermont	42
Hawaii	42
Oregon	42
Massachusetts	41
Washington	41
New Hampshire	41
Louisiana	39
Florida	38
Kansas	36
Guam	36
Idaho	35
South Carolina	34
Virginia	31
Kentucky	30
Tennessee	30
Colorado	30
Georgia	30
Mississippi	28
Alaska	27
Nebraska	25
District of Columbia	25
Illinois	24
Texas	22
Montana	20
Rhode Island	20
West Virginia	18
New Mexico	17
Wyoming	17
Arizona	16
Missouri	15
Oklahoma	11
Puerto Rico	0
Virgin Islands	0
National Average for States Submitting Data	45

Paternity Establishment in 1990: Organizational Structure, Voluntary Consent, and Administrative Practices

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PATERNITY ESTABLISHMENT IN 1990:

Organizational Structure, Voluntary Consent, and Administrative Practices

Introduction

Paternity establishment is an area in the child support enforcement program which has often received insufficient attention in the past and one in which there is growing interest in how performance might be improved. This interest stems from concern over the dramatic rise in the number of U.S. children born to unmarried women. In 1988, childbearing among unmarried women reached record levels--one out of every four births occurred to a non-married woman (NCHS, 1990). This type of family is highly likely to experience poverty, to require public financial assistance, and to remain on assistance for long periods of time (Ellwood, 1986). While the reasons for poverty among never-married women with children are complex, one important contributing factor is lack of child support from absent parents. The problem of nonsupport is directly linked to paternity establishment because child support cannot be ordered or enforced until paternity has been legally established.

Although research about the child support enforcement program and child support payment behavior has increased rapidly in recent years, few of these studies have focused on the issue of paternity establishment. This paper provides a framework for understanding different ways in which paternity is organized and carried out across the country at the local level. Administrative practices used to establish paternity are discussed within the context of this framework.

Data Sources

The data for this paper are drawn from a National Survey of Paternity Establishment Practices, conducted by the Urban Institute in 1990. Its major objective was to obtain a nation-wide picture of the ways paternity establishment is carried out by child support agencies in counties throughout the country. This survey collected information for 249 counties in 42 states and the District of Columbia. The sample of selected counties was drawn as part of the cluster sampling design used for the 1988 National Survey of Adolescent Males which conducted interviews with young men about their fertility behavior (Sonenstein, Pleck, and Ku, 1989). The sample is weighted to be representative of counties in the contiguous United States.[1]

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1. The weight is the inverse of each county's probability of selection into the sampling frame. A post-stratification adjustment was done to scale the weights to the known distribution of counties by population density, based on data in the 1988 County and City Data Book. The weights were set to average to 1.

The survey used a combination of telephone interviews and mail questionnaires to gather information from program administrators at both the state and local levels. Semi-structured telephone interviews were conducted with state directors (or their designees) of child support enforcement programs to determine how paternity establishment was organized in each state, to arrange access to local program administrators, and to obtain county/substate program statistics. Directors of county or sub-state child support programs (or the person designated to be the most knowledgeable about paternity establishment) were also interviewed by telephone and then asked to complete a close-ended mail questionnaire. The topics covered included inter-organizational linkages with the welfare agency, the court, county attorneys and other relevant agencies in the county, staffing patterns, referral and intake procedures, techniques used to locate and notify fathers, case flow and case management, genetic testing, and perceived barriers to paternity establishment, among others.

The response rates on the survey were uniformly high and varied only slightly by the data collection method used. The completion rates were 100 percent for the state IV-D telephone survey, 98 percent for the local-level telephone surveys, and 87 percent for the local-level mail surveys. Additional data about the demographic characteristics of the counties were added to the data file from the County and City Data Book (U.S. Bureau of the Census, 1988). Out-of-wedlock births in each county for 1988 were provided by the National Center for Health Statistics.

Organization and Process: A Framework for Understanding Paternity Establishment

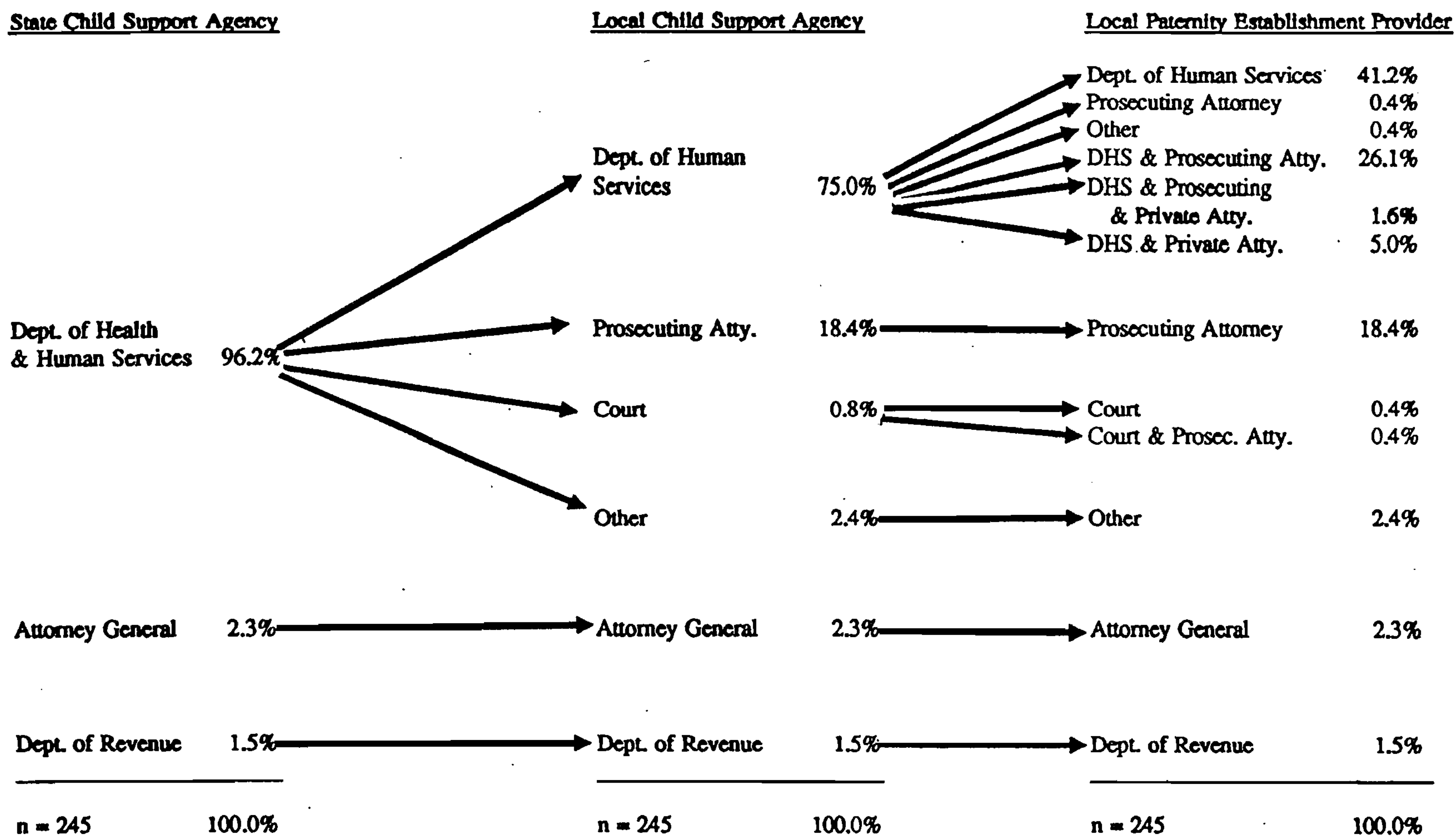
The structure of paternity establishment is characterized by a broad range of organizational arrangements and consists of sequential stages which include a variety of steps and practices. This section provides a framework for understanding how paternity establishment is organized and carried out at the local level. Three models show the most common institutional arrangements used to provide IV-D paternity establishment services, and another four models describe the most common processes used by counties to establish paternity. Within each of these prototypical models, counties may vary considerably on many dimensions, but the broad categories provide an approach to simplifying what is an extraordinarily complicated set of arrangements and practices.

Organizational Structure of Paternity Establishment

The organization of paternity establishment in counties includes a range of configurations. Table 1 shows how the organizational responsibility for child support in general and paternity establishment in particular shifts as the program devolves from the state to the local level.

Federal law allows the decision on where to house the IV-D program within the state bureaucracy to be made by the State. Most states have chosen to

Table 1. State and Local Agencies Responsible for Child Support and Paternity Establishment



Note: Columns may not add to 100.0% due to rounding.

house the IV-D agency at the state level within the Department of Health and Human Services (96 percent) reflecting the traditional tie between child support and AFDC in Federal policy.[2] However, in a few states responsibility for the IV-D program rests in other agencies. Most notable examples are the Attorney General in Texas and the Department of Revenue in Massachusetts.[3]

The local agency responsible for operating the IV-D program is often not the same as the state IV-D agency.[4] At the local level, a shift in responsibility for child support from health and human service agencies to other agencies becomes evident. In three-quarters (75 percent) of the sampled counties, the human service agency is responsible for the IV-D program at both the state and local level. But in 18 percent of counties, the prosecuting attorney's office holds this responsibility. In a very small percent of counties, child support at the local level is the responsibility of the court (0.8 percent). Thus, the local agency with jurisdiction over the IV-D program is not always the same as the agency responsible for child support at the state level.

Moreover, the local picture is further complicated by the fact that some IV-D functions may be carried out by an agency other than the primary local IV-D agency. In particular, the paternity establishment function is often partially or fully contracted out to another agency.[5] In close to half (45 percent) of counties in which the local IV-D provider is a human services agency, responsibility for paternity establishment was partially or fully assumed by another agency; usually a prosecuting attorney's office but also, in a small percentage (5.0 percent) of counties, a private attorney's office.[6]

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2. The "Department of Health and Human Services" is used here generically. It may also be known as a Department of Public Welfare or a Department of Human Resources, etc.

3. Texas is the only state in the country to place entire responsibility for the IV-D program within the Attorney General's Office. Alaska, a state that is not in our sample, is the only state besides Massachusetts that places jurisdiction of the IV-D program in the Department of Revenue.

4. For the purposes of this study, the local child support enforcement (IV-D) provider is defined as the agency that handles the generic intake of cases, initial locate attempts, and enforcement of orders and may also handle paternity establishment, the establishment of support orders and interstate cases.

5. The involvement of agencies other than the local IV-D provider is obtained through statutory language or either a contractual or cooperative agreement.

6. The term "prosecuting attorney" is used generically and includes district attorneys, county attorneys, state attorneys, city attorneys, commonwealth attorneys, etc.

Our examination of variations in the locus of responsibility for child support and paternity establishment at the state and local levels has led us to propose three prototypes of paternity establishment organization (Figure 1).

Human Services Agency Model. The most common organizational model is one in which both child support and paternity establishment are carried out by a single local human service or welfare agency. Just over two-fifths (43 percent) of the counties administered child support and paternity establishment in this manner. Counties in this category are distinguished by the fact that the operating agency is non-legal and non-judicial--that is, neither an attorneys' office nor the court. Furthermore, local agencies in this category do not transfer cases in need of legal services to an outside agency, but rather rely on in-house IV-D staff attorneys (in 78 percent of these counties) or contract attorneys housed within the IV-D office for such services (in 18 percent of these counties).[7]

Legal Agency Model. In approximately one fifth (21.1 percent) of the counties, both child support and paternity establishment are carried out in a legal organizational setting--usually the prosecuting attorney's and sometimes a private attorney's office. In addition, the Attorney General's office in most Texas counties and the Court of Common Pleas in Pennsylvania are also included in this model.

Two-Agency Transfer Model. Finally, there is a third organizational model in which responsibility for paternity establishment is shared between two agencies. The primary local IV-D provider handles all paternity establishment cases up to the point it is determined that the case will or will not be contested. This includes intake and locate activities in addition to notifying the father of the paternity allegation. If the allegation is uncontested, the same local IV-D provider, usually the human service agency, handles all subsequent tasks necessary to establish paternity. If, however, the case is contested--or if the alleged father fails to respond, an action interpreted as an unwillingness to comply--the case is transferred to a (public or private) legal agency to pursue establishment.

It should be noted that these models are intended to capture only the most basic differences in the types of organizational settings in which paternity establishment services are delivered. In general, they delineate the three most common ways states have insured that those aspects of paternity establishment which require legal services are readily available. The other major institutional actor in paternity establishment often responsible for many aspects of adjudicating paternity cases is the court. Each of the organizational structures described will in turn interact with the court at various points in the paternity establishment process.

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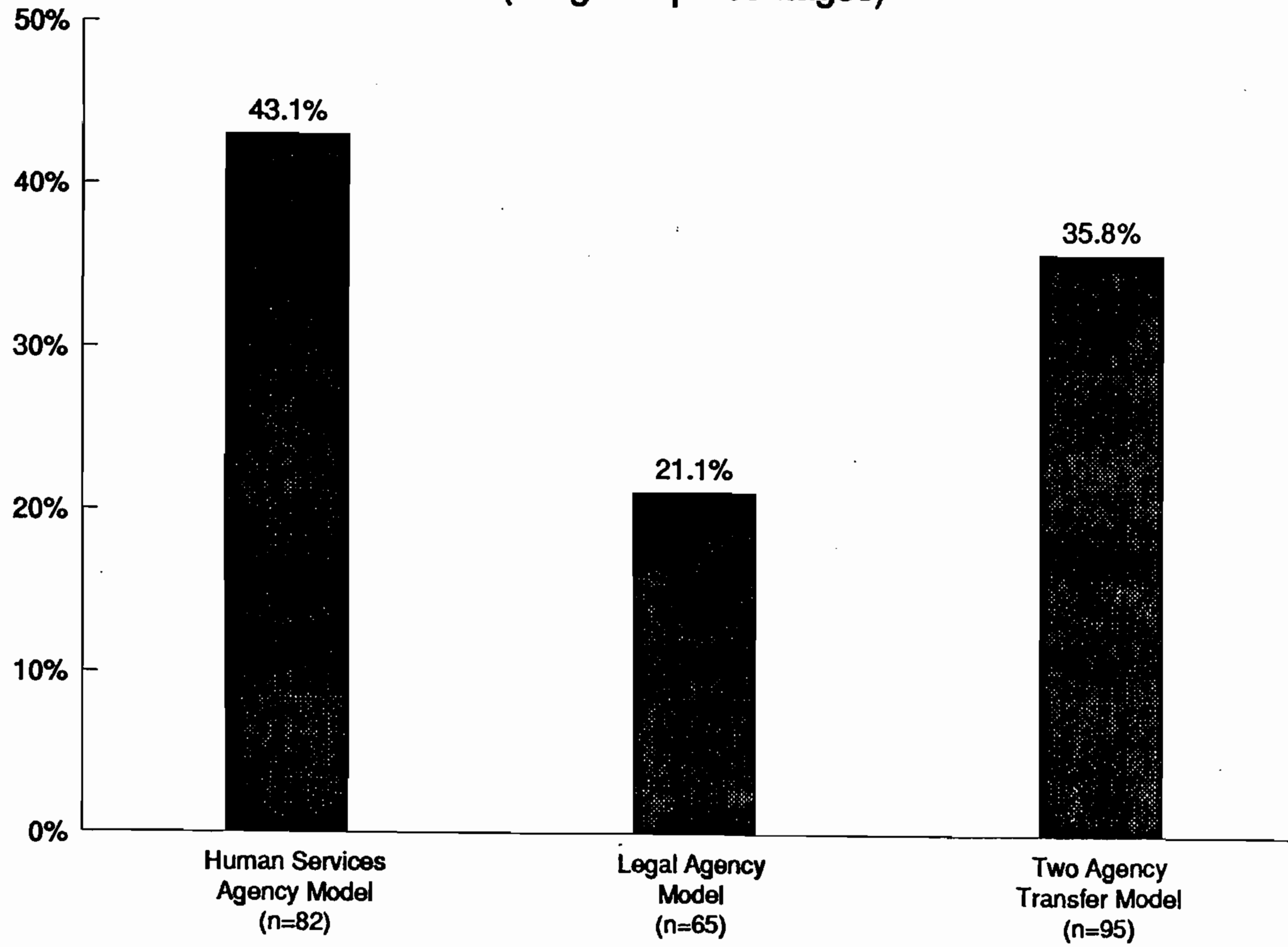
7. The distinction between legal and non-legal organizational settings also led us to classify counties in Massachusetts in this category even though the Department of Revenue, rather than a human service agency, acts as the designated child support agency at the state and local level.

Figure 1
Organizational Responsibility for
Paternity Establishment at
the Local Level: Three Prototypes
(weighted percentages)



Source: National Survey of Paternity Establishment Practices, 1990.

The Paternity Establishment Process

Prior to the creation of the IV-D program, paternity establishment was under the domain of state family law and handled exclusively by legal representatives through the courts. The passage of the IV-D program introduced a new administrative entity into the child support arena, simultaneously creating the need for courts and IV-D agencies at the local level to define their respective responsibilities.

In the interest of decreasing the amount of time involved in processing child support and paternity establishment cases, some counties' child support agencies were given the statutory authority to use an administrative process in selected areas of child support. This meant that the IV-D agency was allowed to assume administrative control over some tasks that had traditionally been reserved for the courts (e.g. using administrative law officers instead of judges to make initial support decisions, or notarizing documents instead of filing them with the court). Others attempted to expedite the process by adopting a quasi-judicial system, which primarily meant using court officers other than judges (i.e. masters) to process and establish paternity and other child support matters. Still others continued to place control over child support and paternity decisions solely within the purview of the courts and their judicial representatives. Thus, some counties retained the traditional judicial process that characterized paternity establishment and child support prior to 1975.

In order to capture these differences, the terms "administrative", "quasi-judicial" and "judicial" have commonly been used to describe the framework in which paternity is established, support orders obtained and child support money collected. At the time of the survey, eight out of ten counties (82 percent) reported using a judicial process to establish paternity while 13 percent reported using a quasi-judicial process and 4 percent reported using an administrative process.[8]

These categories are not, however, particularly helpful in understanding variations in the actual process by which paternity is established because they tend to obscure the fact that more than one of these "processes" can be used in a single jurisdiction depending on the nature and needs of a particular case. For example, an administrative process enables IV-D agency staff to handle all aspects of an uncontested paternity case without court involvement. However, if the case is contested the county which uses an administrative process will revert to using a judicial or quasi-judicial

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8. The 1984 Child Support Enforcement Amendments further reinforced these terms when it required all states to adopt an expedited process to establish and enforce support orders through the use an administrative or quasi-judicial process. States who could show their judicial systems to be as effective were allowed to apply for waivers. Expedited process was allowed but not required for paternity establishment.

process to adjudicate paternity. Or a county with a judicial process may also allow paternity acknowledgements to be taken out of court so that judges are really involved only in contested paternity establishment cases. Thus the key to understanding how paternity establishment is carried out at the local level does not really hinge on whether or not the county has an administrative, judicial, or quasi-judicial process.

Of far greater interest and usefulness in presenting differences in how paternity is established is to examine the major stages of the paternity process, particularly the treatment of contested and uncontested cases. Some research, based on one or more case studies, has focused solely on paternity establishment and described the typical case flow of a paternity action as it makes its way through these major stages (Nichols-Casebolt, 1990; Office of Child Support Enforcement, 1989, Office of Inspector General, 1990; Young, 1985).

The major stages are: "intake"--the first stage which involves initiating the paternity case into the IV-D system and collecting information from the mother about the alleged father; "locate"--the second stage which involves the IV-D agency's locating the father or verifying his current address; "notification"--the third stage which involves informing the alleged father of the paternity allegation and instructing him what actions he needs to take to respond to the allegation; "adjudication--the final stage in which the paternity is legally established. These stages are sequential and cannot proceed until the previous stage is completed.

This paper both builds on and expands upon earlier work. The first three stages are fairly straightforward compared to the final stage. The adjudication stage may involve several steps and is complicated enough to be examined in and of itself. Furthermore, there is so much variation in how paternities are adjudicated at the local level that no one typical adjudication process exists. The traditional categorizations of administrative, quasi-judicial and judicial shed only partial light on the types of variations found in this final adjudication stage.

For this reason, a new categorization scheme was developed which more fully captures steps involved and the dynamics between the court and agencies in the adjudication stage. The primary criteria for distinguishing between different adjudication processes is whether or not the alleged father is provided a formal opportunity to acknowledge paternity voluntarily and, if so, how such a voluntary consent approach is incorporated into the overall paternity establishment process.

There are two major reasons for placing such importance on voluntary consent. First, examining counties' paternity establishment processes with special emphasis on voluntary consent allows one to capture the extent to which a distinction is made between contested and uncontested cases. How this distinction is treated will in turn have substantial influence on shaping the overall paternity establishment process.

Second, a voluntary consent process which avoids or minimizes court involvement is perceived to be preferable to a more court dominated process because it can: "expedite resolution of cases, require little or no court time, eliminate gathering sensitive details unnecessarily, avoid the adversarial nature of typical lawsuits, and minimize embarrassment and inconvenience to the parties" (Office of Child Support, 1990). Because of this perception, it is of policy interest to determine whether or not voluntary consent is indeed more efficient, to gain a better understanding of how counties have built a consent approach into their paternity establishment function, and to examine what practices tend to be used in conjunction with different consent approaches.

Our approach to developing the prototypes of different kinds of paternity establishment processes was inductive. Information about paternity case flow in each county was collected in narrative form in telephone interviews using semi-structured questions. Based on the cumulative knowledge gained from conducting these interviews, three prototypes of a paternity establishment process were proposed and flow charts developed for each. Then the narratives for each county were carefully reviewed on an individual basis and compared to the flow charts to determine which of the prototypes matched the process described in the interviewed. As a result of this analysis, one additional prototype was identified. In sum, this detailed examination of the paternity establishment processes in sample counties has led us to conclude that there are four broad models of paternity establishment in use:

- a **no-consent process:** all paternity cases are handled through a court dominated process and there are no opportunities to voluntarily consent outside of the court hearing.
- a **one-time consent process:** all alleged fathers are given one opportunity to voluntarily consent, usually immediately after receiving notification of the paternity allegation.
- a **multi-consent process:** alleged fathers are given at least two opportunities to voluntarily consent out of court, usually after receiving the initial notification and after genetic testing.
- a **court-as-last-resort-process:** alleged fathers file with the court their intention to consent voluntarily or contest the allegation. Beyond this initial interaction with the court, the court's role is generally limited to handling contested cases after genetic testing.

Each of the sample counties was coded according to which prototype described their paternity establishment process. Additional data (collected through the mail survey) on the proportion of paternities established at different stages in the process were examined to compare the process reported by survey respondents to the actual breakdown of where in the process paternities were actually established.

For the most part, case resolution data confirmed the narratives describing the process, but in a small proportion of counties

inconsistencies between the two were found. For example, a county might have been coded as using a one-time consent process based on the narrative, but an examination of the case resolution data revealed that no cases were actually resolved through a voluntary consent conference. Because the purpose of this study is to describe as accurately as possible actual practices at the local level, it was decided to recode counties with these types of inconsistencies so that the process used to describe these counties more closely reflected the process actually in use.[9]

In contrast to the more conventional typology used to describe child support and paternity establishment processes in which most counties (80 percent) reported using a judicial process to establish paternity, the use of these four prototypes is fairly evenly distributed across counties (Figure 2). The most common is the multi-consent process, used by over one third (37 percent) of counties. A no-consent process is used in one-fifth (20 percent) of counties and another fifth (20 percent) use a one-consent process. The court-as-last-resort is used in 16 percent of counties. Eight percent of counties used paternity establishment processes that could not be categorized according to any particular process model.

In addition to these prototypes, two expedited practices--default judgments and certain types of stipulations--are of special interest. These two practices are found across various processes and therefore are not a definitive characteristic of any particular model. When used, however, they have a direct impact on modifying the number and sequencing of steps involved in establishing paternity.

Default Paternity Judgments. Default paternity judgments may be issued by the court (99 percent) or the IV-D agency (1 percent) when, following proper service of process, the father does not respond to the paternity allegation within a given time period or participate in some requirement built into the paternity process such as submitting to genetic testing or appearing at a court hearing after genetic tests are administered. Since the alleged father has bee notified of the consequences of failing to respond, an order can be issued which legally determines that alleged father to be the child's biological parent.

Almost all counties (95 percent) report they have the statutory authority to use default judgments in paternity cases. Although data on the number of default judgments issued by a county was not collected, respondents did provide estimates on the proportion of paternities that were resolved through default. These estimates are used as a proxy to

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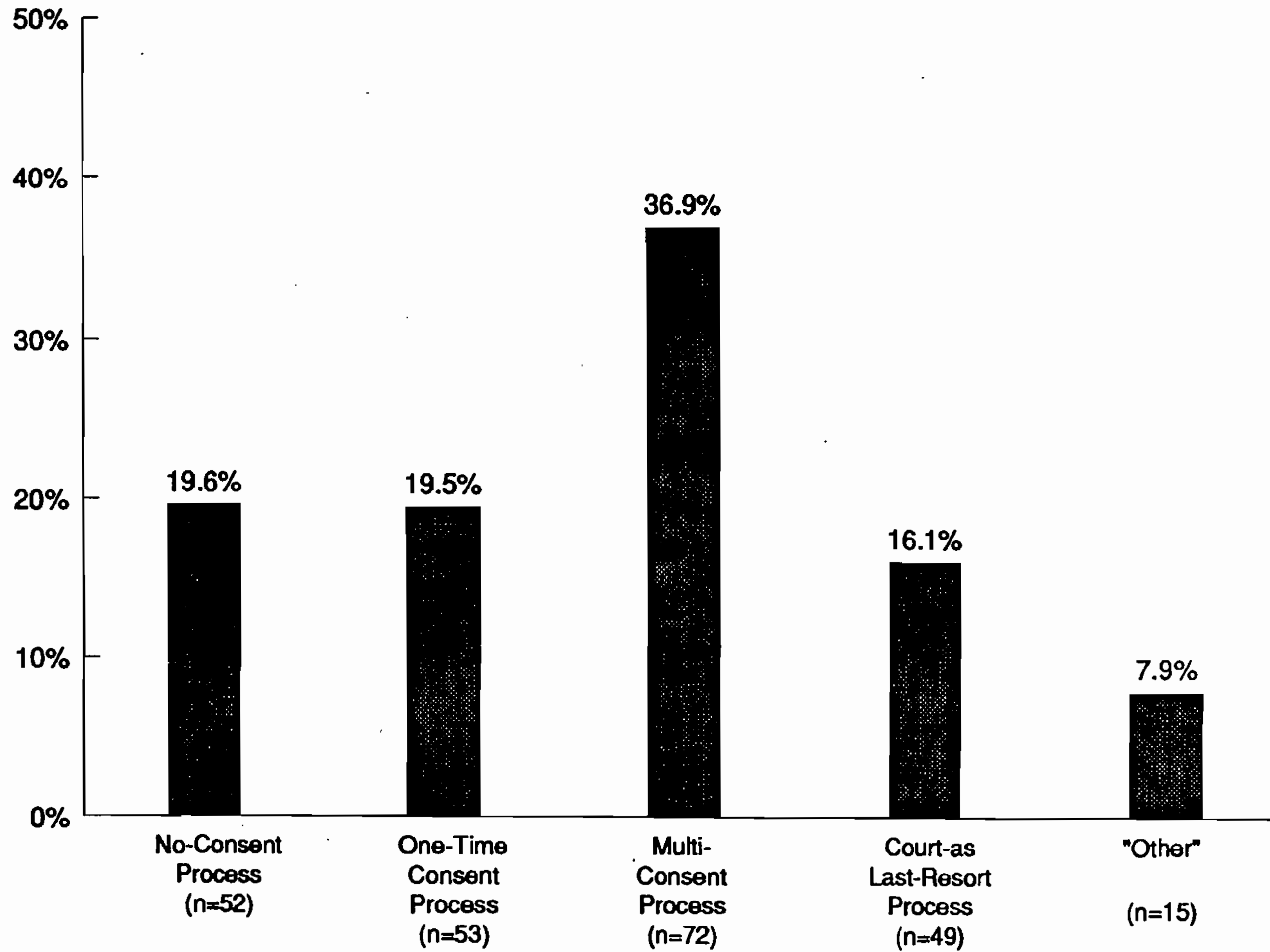
9. A decision-rule was made that a county must report that over three percent of their paternities were established through voluntary consent at a specified point in the overall paternity process for it to be considered a formal consent opportunity and coded as such. Based on this decision rule, the type of paternity establishment process used was recoded for 18 percent of the weighted sample of counties, i.e., seven unweighted counties.

Figure 2
Paternity Establishment Process: Four Prototypes
(weighted percentages)



Source: National Survey of Paternity Establishment Practices, 1990.

measure the extent to which local jurisdictions make use of the default judgments to establish paternity.

Overall, it appears that default judgements are not used that extensively. One fifth (19 percent) of all counties report that less than 5 percent of all paternities established were resolved by default. Well over half of all counties (60 percent) use default judgments to establish paternity for 5 to 25 percent of successfully adjudicated paternity cases. Less than one fifth (19 percent) of counties established one quarter to one half of the total number of resolved paternity cases through default judgments. Just 2 percent of counties reported over half of all established paternities were settled by default. Reluctance to issue defaults may reflect concern over issues of due process on behalf of the alleged father and judicial discretion over these matters.[10]

Stipulations to Genetic Tests and Genetic Test Results. If the father does not sign an agreement (that is, stipulate) acknowledging paternity at the voluntary consent conference, some counties use one of three types of stipulations to expedite the paternity establishment process. If the alleged father does not acknowledge paternity at a voluntary conference, some counties may offer him the opportunity to stipulate to: (1) genetic testing; (2) stipulate to genetic testing and agree not to challenge the the admissibility and validity of the results, or; (3) stipulate to genetic testing, accept the tests' admissibility and agree to acknowledge paternity if the results show a probability of paternity above a certain percentage.

The first type of stipulation provides an opportunity for alleged fathers unwilling to acknowledge or uncertain of the allegation's validity to bypass a court hearing where genetic tests would normally be ordered. The second two types of stipulations actually shorten the process considerably by eliminating all the major steps after genetic testing. These stipulations, of course, require the presence of the alleged father at a conference and a willingness on his part to stipulate. If he does not attend a voluntary conference or agree to the stipulations, they cannot be put into effect and consequently will not modify the process in any way.

Nationwide, none of these types of stipulations are used extensively but stipulations to genetic tests (i.e. the first type of stipulation) are more widely used than stipulations to the results of the genetic tests (the second and third types of stipulations). One-third (34 percent) of counties provide an stipulate to genetic tests compared to only slightly over one-tenth (13 percent) which use stipulations to genetic test results. In addition, the survey found that in a quarter (25 percent) of all counties, there is

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10. Use of defaults to establish paternities does not show much variation by paternity organization types. All three models establish a similarly "high" (at least fifteen percent of all paternities) proportion of paternities by default--ranging from 35 percent in the two-agency transfer model to 45 percent in counties with a legal setting.

altogether no need to use a stipulation or a court hearing to authorize genetic testing for one of two reasons. Either the paternity establishment provider has the administrative authority to order tests or because the paternity agency and the court have agreed upon a procedure which allows tests to be court-ordered without actually requiring a court hearing. Thus, only two-fifths (40 percent) of counties do not use always require a court hearing prior to genetic testing.

The extent to which these practices are used varies by organizational model. Counties with a two-agency transfer model are the most likely to always require a court hearing to authorize genetic testing. Almost half (57 percent) use this practice as compared to about a third of counties which keep all paternity activities within a human services organization (30 percent) or within a legal organization (32 percent). Counties with a human services organizational model are most likely to provide an opportunity to avoid a court hearing by stipulating to genetic tests (44 percent) compared to 31 percent of two-agency transfer models and 22 percent of legal organizational models. However, counties with a legal organizational model are most likely to bypass court hearings for this purpose altogether (46 percent). Stipulations to genetic test results vary even more markedly by type of organization model. This practice is used very rarely in counties with a legal organizational model--only 1 percent of these counties reported they used these stipulations. By contrast, stipulations to genetic tests are used in almost a fifth (19 percent) of human service agency organization counties and a little over tenth (13 percent) of the transfer organizational model counties.

The remainder of this paper examines the adjudication stage of paternity establishment, focusing specifically on differences in how this process is carried out. Before turning to this discussion, however, the distribution of the four process models across the three organizational models is examined to see how the two are related.

As shown in Table 2, the various types of processes were fairly evenly distributed across organizational models although some clustering does appear. Given the traditional relationship between attorneys and the court, it might be conjectured that counties with legal organizational models would be more likely to use the traditional court process but that it not the case. When paternity establishment is carried out in a legal agency, counties are most likely to use a multi-consent process (35 percent) or a court-as-last-resort process (30 percent) and least likely to use a no-consent process (18 percent) or a one-time consent process (14 percent). Two-agency transfer organizational model counties are most likely to use a multi-consent process (30 percent) or a one-time consent (44 percent) process and least likely to use a no-consent (10 percent) or court-as-last-resort process (7 percent). Counties housing paternity establishment in a human services agency are also most likely to use a multi-consent process (43 percent) but interestingly, almost never use a one-consent process (2 percent). A quarter of counties with the human services model use a no-consent process and slightly less than a fifth use a court-as-last-resort process (18 percent).

TABLE 2

RELATIONSHIP BETWEEN PATERNITY ESTABLISHMENT ORGANIZATION TYPES AND PATERNITY ESTABLISHMENT PROCESSES**
(weighted percentages)

Paternity Process Type	Paternity Organization Types: Legal Organizational Model (n = 64)	Human Services Organizational Model (n = 82)	Transfer Model (n = 95)	Percent of All Counties (n = 241)
No-Consent Process (n = 52)	17.6%	28.3%	10.3%	19.6%
One-Time Consent (n = 53)	14.2%	1.9%	43.7%	19.5%
Multi-Consent Process (n = 72)	35.8%	43.1%	30.1%	36.9%
Court-as-Last-Resort (n = 49)	29.7%	17.5%	6.5%	16.1%
"Other" Process (n = 15)	2.7%	9.3%	9.3%	7.9%
	100%	100%	100%	100%

**Distribution is significant at $p < .05$ (chi-square test).

Source: National Survey of Paternity Establishment Practices, 1990.

How Paternities Are Established in the Adjudication Stage

In order to better understand how the four prototypes operate in practice, a description of how cases work their way through each of the models is provided. Included in this presentation is a description of the extent to which various additional practices such as use of quasi-judicial staff, on-site genetic testing, stipulations and default judgments are used. Also included is information on the estimated share of paternities established at various points in this final stage. Characteristics of the preceding stages--intake, locate, and notification--are not included in the following discussion but all must be successfully completed before a case would reach this final stage.

No-Consent Process. In general, this process is characterized by a high degree of interaction with and dependency on the court to establish paternity. Three-quarters (75 percent) of counties using this process report that if an alleged father wants to acknowledge paternity voluntarily and avoid going to court, he may do so; but he is neither encouraged nor provided a formal opportunity to do so. Instead, the alleged father is notified of the allegation and instructed to attend a mandatory court hearing.

At this first court hearing, the alleged father may acknowledge paternity but this does not generally happen. The primary purpose of this mandatory first court hearing is to explain the paternity allegation and order genetic tests. Genetic tests almost always (in 97 percent of counties) occur at a location other than the court or paternity agency--only 3 percent reported on-site genetic testing (Table 3).

After genetic testing, a second mandatory court hearing is held. Based primarily or exclusively on the genetic test findings, paternity is established at this hearing. The presiding court official at both paternity court hearings is usually a judge. However, almost a third (30 percent) of no-consent counties use quasi-judicial staff to handle most paternity establishment cases (Table 3).

As might be expected, given its traditional court-orientation with attendant emphasis on due process, the no-consent process does not make great use of default judgments. As shown in Table 4, only 3 percent of these counties will issue defaults if the alleged father fails to appear at the initial court hearing--the earliest point in this particular process where a judgment might be issued. Nor do a high proportion of counties report they could issue defaults at later stages in the process. A quarter (25 percent) of counties may issue default judgments if the alleged father fails to appear at the genetic test appointment and a fifth (20 percent) can use defaults if the alleged father fails to attend the court hearing in which a determination of paternity would be made based on genetic test results.

Counties using this process reported only 14 percent of paternities are established at this first court hearing and almost three-quarters (74

TABLE 3

SELECTED PRACTICES USED IN PATERNITY ESTABLISHMENT BY PATERNITY ESTABLISHMENT PROCESS MODELS (weighted percentages)

Practice	Paternity Establishment Process Types				
	No-Consent Process (n = 51)	One-Time Consent Process (n = 54)	Multi-Consent Process (n = 72)	Court-As-Last Resort Process (n = 48)	Percent of All Counties (n = 224)
Genetic Tests Must Be Ordered at a Court Hearing	98.5%*	62.0%	8.6	14.5%	40.3%
Opportunity Provided to Stipulate to Genetic Tests at Consent Conference & Avoid Court Hearing	0	16.4%	80.5%	8.7%	34.6%
Court Hearing Never Required to Order Genetic Tests	0	21.6%	11.0%	76.8%	25.1%
Quasi-Judicial Staff Used	30.0%	15.2%	1.8%	15.0%	16.2%
Use of Stipulations to Genetic Test Results	0	10.6%	27.2%	6.9%	13.1%
Father Required to Make Court Appearance after Acknowledging Paternity at Consent Conference	0	38.0%	7.6%	9.0%	16.4%
On-Site Genetic Test Draws	3.3%	29.3%	28.0%	41.4%	23.7%

* 1.5 percent of no-consent counties provide the alleged father the opportunity to waive their right to a court hearing and directly to genetic testing.

** Distribution is significant at $p \leq .05$ (chi-square test).

Source: National Survey of Paternity Establishment Practices, 1990.

TABLE 4

**POINTS WHERE DEFAULT JUDGMENTS ARE ISSED
BY PATERNITY ESTABLISHMENT PROCESS MODELS**
(weighted percentages)**

Paternity Establishment Process Types

Point in Process	No Consent Process (n = 37)	One-Time Consent Process (n = 40)	Multi-Consent Process (n = 57)	Court-As-Last Resort Process (n = 42)	Percent of All Counties (n = 188)
Failure to Respond to Initial Notification	0.3%	0.2%	0.2%	83.2%	14.7%
Failure to Appear at Hearing to Order Genetic Tests	3.2%	67.7%	65.2%	31.1%	53.2%
Failure to Appear at Genetic Test Draw	25.0%	46.5%	39.9%	83.9%	46.4%
Failure to Attend Post-Genetic Test Hearing	20.3%	83.3%	67.3%	26.6%	57.0%

** Distribution is significant at $p \leq .05$ (chi-square test).

Source: National Survey of Paternity Establishment Practices, 1990.

percent) of paternities are established at the second court hearing. Not surprisingly, only a relatively small percentage of paternities are established by default in counties using this process--approximately 7 percent of the total number of paternities established (Table 5). Thus, almost all paternity establishment cases in a no-consent process will go through two court hearings and genetic testing before paternity can be established. Because of its heavy reliance on the court, this model is particularly dependent on the court to schedule hearings quickly if the IV-D paternity agency is to move the case forward on a timely basis.

One-Time Consent Process: This process includes one formal opportunity to voluntarily acknowledge paternity which almost always occurs after the father initially receives notification of the paternity allegation (85 percent of one-time consent counties or 17 percent of all counties) but can occur after genetic testing (15 percent of one-time counties or 3 percent of all counties).

Alleged fathers are notified of the paternity allegation and either asked to contact the IV-D paternity agency to set-up or confirm a conference date at which time the allegation will be fully explained and the father may acknowledge paternity. If the alleged father comes to this conference and consents, appropriate forms are signed and no further involvement on the part of the father (at least with regard to paternity) is necessary in six out of ten (62 percent) counties. In the remaining counties (38 percent), fathers who voluntarily acknowledge paternity are still required to appear before the court. This appearance ensures that the father is given full due process and the consent decree is "blessed" by the court. In many cases, these court appearances are very quick and may even be conducted in groups (Table 3).

If the alleged father does not acknowledge paternity at the pre-genetic testing conference, a court date is scheduled in 62 percent of counties to order genetic tests. In addition, court hearings must also be scheduled for those alleged fathers who did not choose to come to a conference at all. Sixteen percent of counties provide the alleged father who attends the voluntary conference the opportunity to request genetic tests and a tenth (11 percent) provide the opportunity to stipulate to genetic test results. Finally, slightly more than one-fifth (22 percent) of one-time consent counties do not require a court hearing in order to authorize genetic testing and the IV-D paternity provider can move cases directly to this step without holding a court hearing first. Genetic test draws are offered on-site in 29 percent of counties (Table 3).

After genetic tests, a court hearing is held to review the test results and establish paternity. Quasi-judicial staff conduct court hearings on paternity related matters in 15 percent of counties while the rest use judges.

The one-time consent model makes relatively high use of defaults. Two-thirds (68 percent) may issue defaults if the father fails to appear at the first court hearing. Almost half (47 percent) may issue defaults if the

TABLE 5

REPORTED PERCENTAGES OF TOTAL PATERNITIES ESTABLISHED AT VARIOUS POINTS IN PATERNITY ESTABLISHMENT PROCESS (weighted percentages)

Paternity Establishment Process Types

	No-Consent Process (n = 45)	One-Time Consent Process (n = 40)	Multi-Consent Process (n = 63)	Court-As-Last Resort Process (n = 43)
% Resolved at First Conference	NA	29.1%	35.1%	27.2%
% Resolved at First Court Hearing	13.7%	NA	NA	NA
% Resolved at Second Conference	NA	NA	37.3%	29.4%
% Resolved at Second Court Hearing	74.1%	48.6%	15.8%	12.0%
% Resolved By Default	6.9%	12.3%	11.5%	26.8%
% Resolved at "Other Times"[a]	5.3%	9.9%	0.3%	4.5%
	100%	100%	100%	100%

Other times includes cases settled when the parties voluntarily acknowledge paternity on a walk-in basis or an unknown percertage of paternities reported by the county.

Source: National Survey of Paternity Establishment Practices, 1990.

father fails to appear at the genetic test appointment and 83 percent can issue defaults if the alleged father fails to attend the second court hearing (Table 4).

Counties using this process report that almost one-third (30 percent of their established paternities are resolved at the voluntary consent conference held prior to genetic testing. Almost half (49 percent) of paternities are reportedly established at the court hearing held after genetic testing. Another 12 percent of paternities are established by default (Table 5).

Thus, about half of paternity establishment cases adjudicated in counties using this process basically follow the same case flow as found in no-consent process counties—two court hearings and genetic testing. In contrast, however, about one-third (29 percent) of cases are resolved out of court (i.e., at a voluntary consent process) prior to the first court hearing. Despite this opportunity to avoid formal court action through the use of voluntary consent, the one-time consent process still seems more closely linked to the no-consent process. First, over a third of these counties still require court appearances after the consent conference; court hearings are not likely to be bypassed if genetic tests need to be authorized, and third, stipulations to results are rarely used. At the same time, this process does make greater use of defaults than a no-consent process.

Multi-Consent Process. This process offers at least two opportunities for the alleged father to consent voluntarily— before genetic testing and after genetic testing. Just like the one-time consent process, counties using a multi-consent process notify the alleged father of the paternity allegation and ask him to contact the IV-D paternity establishment service provider to set-up or confirm a conference date to discuss the allegation and consent.

If the alleged father comes to this conference and consents, appropriate forms are signed and no further involvement on the part of the father (at least with regard to paternity) is necessary in nine out of ten (92 percent) counties. Thus, only a small proportion (7 percent) of counties using this process make the additional effort to ensure that all fathers who voluntarily acknowledge paternity to "have their day in court" (Table 3).

If the alleged father does not acknowledge paternity at the pre-genetic testing conference, a high proportion of counties (81 percent) provide the alleged father with the opportunity to stipulate to genetic tests and over a quarter (27 percent) also use stipulations to genetic test results. An additional 11 percent of these counties do not require a court hearing in order to authorize genetic testing but simply schedule a genetic test appointment for the alleged father, mother and child. Only eight percent of these counties require a court hearing in order to authorize genetic testing. In addition, court hearings must also be scheduled for those

alleged fathers who did not choose to come to attend a conference (Table 3).

Over a quarter (28 percent) of these counties use on-site genetic testing. This is comparable to the proportion using this "expedited" practice in one-consent process counties. Unlike the one-consent approach, this prototype builds in a second formal opportunity to consent into its process after genetic testing. At this conference, the results of the genetic tests are explained. If the father is willing to consent, the appropriate documents are filled out and signed and paternity is legally established.

If however, the alleged father chooses not to respond or to attend the conference, a court hearing is held so that paternity can be established. Judges are virtually always the presiding court officer in both hearings -- quasi-judicial staff are used in only 2 percent of these counties (Table 3).

Two-thirds (68 percent) of multi-consent counties may issue defaults if the father fails to appear at the first court hearing at which time genetic tests are normally ordered. Almost two-fifths (40 percent) report authority to issue defaults if the father fails to appear at the genetic test appointment and two-thirds (67 percent) can issue defaults if the alleged father fails to attend the court hearing in which a determination of paternity would be made based on genetic test results (see Table 4).

Counties using this process report that slightly more than one-third (35 percent) of their established paternities are resolved at the first voluntary consent conference and average of 37 percent of paternities are established at this second consent conference. Only 16 percent of paternities are established at a post-genetic court hearing for cases which did not consent at either voluntary conference. Finally, counties using this process report that, on average, 11.5 percent of their adjudicated paternities are established by default (Table 5).

Thus, unlike the no-consent and one-time consent process, the majority of paternities established using this process are resolved through consent before any formal court action takes place—about one-third prior to genetic testing and another third after genetic testing. These counties are also much more likely to offer stipulations to genetic tests and genetic test results, which also expedites the process. The multi-consent process counties use of defaults to establish paternity is, however, similar to that of the one-time consent process.

Court-as-Last-Resort Process: This process is characterized by very little court involvement as well as a relatively high use of defaults. The alleged father is directed to file his response to the paternity allegation with the court. If he files that he is willing to consent to the allegation, a conference is scheduled and paternity is established. About half of counties require that the mother also be present at this conference. With the exception of 10 percent of counties which still

require the father who consents to appear before the court, the matter is closed after the appropriate paperwork is signed and filed with the court (Table 3).

If, however, the alleged father files a denial he almost always proceed directly to a genetic testing appointment. Three-quarters (77 percent) never require a court hearing to order genetic tests. Another tenth (9 percent) offer alleged fathers who express uncertainty at the conference the opportunity to stipulate to genetic tests and 7 percent also offer the option to stipulate to genetic test results. Only 15 percent of counties require fathers who file a denial to appear at a court hearing prior to genetic testing (Table 3).

This process makes the most extensive use of on-site genetic testing relative to other processes. It is available in two-fifths (41 percent) of counties (Table 3).

Like the multi-consent process, an additional formal opportunity to consent is almost always made available after genetic testing. This post genetic testing conference is not offered in only 7 percent of counties using this process. At this conference, the results of the genetic tests are explained), the appropriate papers are signed and paternity is legally established (Table 3).

If however, the alleged father chooses not to respond or to attend the conference, a court hearing is held and, based on genetic test results, paternity is established. Quasi-judicial staff preside over these court hearings in 15 percent of counties (Table 3).

Court-as-last-resort counties are far more likely to have the authority to issue defaults earlier in the process and more often than counties using other processes. For example, while most counties rarely reported they could issue defaults if the alleged father fails to respond to the initial notification of the allegation, a substantial share (83 percent) of counties using this particular process report they were able to issue default judgments at this early point. A substantially smaller proportion, 31 percent, report they are allowed to issue defaults at the court hearing which authorizes genetic testing but it should be remembered that most counties do not require this hearing but rather move directly to the genetic testing stage. Here we find that a very high proportion of these counties may issue defaults at this stage--fully 84 percent compared to one-quarter to one-half of counties using other establishment processes. Finally, just over a quarter (27 percent) can issue defaults if the father fails to attend the post genetic test court hearing. Presumably this relatively low proportion is offset by the high proportion which may issue defaults at the preceding step -- failure to attend a genetic test appointment (Table 4).

Counties using this process report just over a quarter of paternities are established at this first consent conference prior to genetic testing and a slightly larger share (29 percent) are established at the second

consent conference after genetic testing. The authority to issue defaults early in the process also appears to result in a higher number of total paternities established by defaults. Court-as-last-resort process counties report, on average, that a little over a quarter of paternity cases were established by default which is double the share reported by one-time and multi-consent process counties and quadruple the share reported by no-consent process counties. Finally, only 12 percent of paternities are established at the court hearing held if the father does not consent at either voluntary consent conference or paternity has not already been established through default (Table 5). Thus, the court-as-last-resort process earns its name because this prototype is least dependent on holding court hearings in order to move a case forward through the various steps necessary to establish paternity.

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A major focus on improving paternity establishment performance among IV-D agencies concerns adopting practices that will better streamline and expedite the process. Incorporating a voluntary consent approach and minimizing dependence on courts to adjudicate paternities is often considered the primary way to expedite this process. This paper has examined three variations of the voluntary consent approach (i.e., the one-time consent, multi-consent and court-as-last-resort processes) as well as a no-consent approach, which depends exclusively on the courts to establish paternity. In addition, other expedited practices were examined within the four basic process models.

In general, we find these expedited practices tend to be used more extensively by the multi-consent and court-as-last-resort counties than in counties using a one-time consent approach or a no-consent approach. The exception is in the use of quasi-judicial staff among no-consent counties, suggesting that more extensive reliance on the courts to handle paternity cases has prompted a substantial number of these counties to rely more on quasi-judicial staff than counties with processes that are less reliant on the courts.

Whether or not one particular prototype, used in combination with these and other practices actually produces a higher number of paternities established is a critical question this paper has not addressed. This issue, as well as a more detailed consideration of the earlier stages of paternity establishment (i.e., intake, locate, notification) will, however, be included in a forthcoming final report on survey findings.

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INTERORGANIZATIONAL DEPENDENCIES AND PATERNITY ESTABLISHMENT

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SUMMARY AND CONCLUSIONS[1]

Background

In response to the growing financial burden of supporting families with an absent parent and to insure that children receive all benefits associated with establishing paternity, Congress has taken a number of legislative initiatives over the past two decades. Most recently, under the Family Support Act of 1988 (Pub. L. 100-485), significant changes were made to the welfare system with particular emphasis given to child support enforcement. Specific provisions included mandatory wage withholding as part of all child support orders, guidelines for setting and reviewing support orders, and the setting of federal standards for evaluating state performance in the establishment of paternity for children born out of wedlock. At the risk of incurring financial penalties, these standards require states to meet one of

1. Prepared for the IRP-DHHS conference, "Paternity Establishment: A Public Policy Conference," on February 26-27 in Washington, D.C. This research has been funded by a grant from the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services (# 90ASPE226A). The conclusions are those of the authors and do not necessarily reflect the opinions of ASPE or DHHS.

three requirements: to establish paternity for at least half of all AFDC children born out of wedlock; to equal or exceed the average paternity establishment percentage for all states; or to increase the paternity establishment percentage by at least 3 percentage points per year.

The interventions specified in the 1988 reforms focus mainly on management reforms of state and local child support systems rather than on incentives aimed at directly influencing the behavior of absent and custodial parents in complying with child support laws. To a large extent, then, the impact of the 1988 legislation will be determined by the ability of states and localities to implement administrative reforms to their child support programs and, in turn, on the responsiveness of clients to these changes.

Early evidence of the likely impact of these interventions was provided from a paternity establishment demonstration project conducted in Cuyahoga County, Ohio, over the period March 1988 through September 1989.[2] Designed to expedite the paternity establishment process, specific features of the demonstration included an automated information and case management system, improved coordination over the various phases of the establishment process, and measures to accelerate specific steps in that process. The underlying assumption was that the shorter the time period, the greater the probability of successfully establishing paternity. Less cumbersome procedures would be expected to encourage greater cooperation by both the custodial and absent

2. A detailed analysis of the Cuyahoga demonstration study can be found in Adams, Landsbergen, and Cobler, "Welfare Reform and Paternity Establishment: A Social Experiment," Journal of Policy and Management, forthcoming.

parents and to facilitate voluntary admissions of paternity so as to reduce the time and cost of establishment.

Briefly summarized, the interventions were successful in accelerating the paternity establishment process and in promoting more voluntary admissions of paternity during the fourteen-month period of the demonstration. At the same time, however, the demonstration pointed up two factors that are likely to significantly limit the impact of the child support provisions of the 1988 legislation. The first concerns the very complex set of institutional arrangements governing paternity establishment in the demonstration site and in many counties around the country. Involvement by the court, prosecutor, advocacy groups, the local human services agency, and the child support agency itself creates a complex interplay of competing traditions and values which is likely to have a limiting effect on local implementation of any reform effort.

The second limiting factor concerns the apparent reluctance of custodial parents (nearly always the mother) to cooperate with the paternity establishment process. Such cooperation is essential to paternity establishment and a more effective child support system. The high incidence of noncooperation observed during the demonstration, indicated that administrative reforms alone might not be sufficient, and that interventions aimed more directly at influencing client attitudes might be required to achieve the performance standards prescribed in the 1988 legislation.

Follow up

As a follow up to the Cuyahoga demonstration, the research on paternity establishment practices continued by looking more closely at the nature of inter-organizational dependencies in the establishment process. The research design for the follow-up study was based on a series of in-depth

case studies of the paternity establishment process in eight locations; four in Ohio and four locations around the country. The four Ohio sites provided an opportunity to assess different organizational models within a locally administered, judicially based child support system. Specifically, the Ohio sites were chosen on the basis of whether the child support program was organized as a free standing agency of county government (as in the case of the Cuyahoga system), as a division of the county human services agency, as an agency operating under the auspices of the county prosecutor's office, or as an agency operating under the auspices of the county domestic relations court.

The four national sites were chosen on the basis of several factors, including reputation as "best practice" child support systems and on the basis of more specific issues or questions that emerged from the Ohio site visits. In particular, there was the issue of in-house attorneys and their role in expediting the paternity process. There were also questions about the limits to voluntary consents as a way to expedite the paternity process.

The field research entailed three-day visits to each site, with interviews scheduled with agency heads, administrators, and line personnel in each organization involved with the paternity establishment process. Typically, this entailed interviews with personnel in the local IV-D agency, the local welfare (or IV-A) agency, the prosecutor's office, and the court responsible for hearing IV-D cases. Particular emphasis was given to the ways in which these various organizations interacted in the establishment process and factors that appeared to facilitate or inhibit timely completion of the process.

The field research was guided by a semi-structured interview instrument that insured that every jurisdiction was asked a core set of questions for

later comparison. The questionnaire contained separate sections for top administrators, supervisors, and line personnel and there were four parts to each interview: 1) background information about the individual; 2) the main procedures which that organization performed on a IV-D case; 3) the main points of contact between the individual's own organization and its sister organizations in working a IV-D case; and 4) concerns about MIS and the flow of information for managing and tracking paternity cases. To complement information from the interviews, data were also collected on trends in case activity and case processing at each site.

Analytic Framework

The field research was guided by two analytical frameworks. From the economics literature, the concept of transaction cost analysis was used to capture organizational behaviors aimed at gaining control over inter-organizational relations in order to promote greater efficiency and productivity. Drawing on the work of Oliver Williamson, we looked specifically for examples of attempts by local IV-D agencies to expedite the paternity process by creating more hierarchical or centralized paternity processes; in effect, expediting paternity by reducing inter-organization dependencies and, in turn, the number of inter-organizational transactions associated with the establishment process.[3] We also looked for ways in which organizations might be responding to the limiting effects of interorganizational dependencies by altering the nature of the services associated with paternity establishment. For example, paternities

3. Williamson, Oliver E. (1981) "The Economics of Organization: The Transaction Cost Approach," American Journal of Sociology, 87 (3): 548-77.

established voluntarily need less adjudication and, therefore, are less dependent on the services of the prosecutor and the court. Hence, one strategy for reducing transaction costs and expediting the establishment process would be to increase the proportion of voluntary establishments.

From the public administration literature, we drew on David Rosenbloom's article, "Public Administrative Theory and the Separation of Powers," as a way to capture the opportunity costs associated with local efforts to create more expeditious and productive paternity establishment processes.[4] Rosenbloom's basic thesis is that most issues in public management and policy can be described as a tension between two or three fundamental schools of public administration: the legal, political, and managerial schools. Each has certain core values which it seeks to maximize through organization procedures and design.

Adapting Rosenbloom's framework to our study, we specifically looked for indications of underlying tensions between local efforts to create more efficient and expeditious paternity establishment processes (expressions of Rosenbloom's managerial approach) and concerns about due process (the legal approach) and representation (the political approach). In effect, efforts to promote greater efficiency in establishing paternity reflect a response to only one set of values, and there is the distinct possibility that success in promoting greater efficiency may come at the expense of procedural due process, fundamental fairness, or political representation. Hence, our field research was guided in part by an attempt to better understand the extent to which these competing values are reflected in local

4. Rosenbloom, David H. (1983), "Public Administration Theory and the Separation of Powers," Public Administration Review, May/June.

decisions about expediting the paternity process and the extent to which such conflicts may be having a limiting effect on such efforts.

Summary of Major Findings

For each of the eight field sites included in the study, there were clear indications that paternity establishment and efforts to expedite the establishment process are high priorities. Moreover, while the purpose of the study was not a performance evaluation, per se, statistical data collected at each site indicate that these localities have had some success in increasing the numbers of paternities established in recent years.

To some extent, the current focus on paternity establishment represents a departure from past practices when paternity ran a poor second to support enforcement. Among the eight field sites, this was indicated by the relatively inferior or non-existent computerized information systems for processing and managing paternity cases compared to long standing automated MIS systems for support enforcement. In one location, too, the very cramped space afforded the paternity unit signified the relatively low standing of paternity establishment compared to support enforcement.

The historically low emphasis given to paternity establishment, especially for women on welfare, can be partly explained by notions of cost effectiveness--the idea that establishing paternity and a support order for a woman on welfare is likely to yield relatively little in actual support payments. At the same time, interest group activity on behalf of women dependent on child support has tended to focus mainly on enforcement-related issues rather than on establishment. On the basis of the 8 sites included in the study, therefore, it would appear that the child support provisions

in the 1988 Family Support Act have had an impact in bringing greacer attention to bear locally on paternity-related aspects of child support.

Inter-Organizational Dependencies

Within each of the localities in the field study, the complex nature of inter-organizational dependencies associated with paternity establishment and efforts to expedite the process were very apparent. However, the nature of these complexities and how well they were managed varied significantly among the eight field sites. To understand these inter-dependencies, we examined the paternity establishment process along the continuum from case referral to case adjudication. From this research, it would appear that the factors that help to expedite paternity establishment in the referral phase may be the very same factors that adversely affect the timely processing of cases in the adjudication phase, and vise versa.

Referral. The key relationship in the referral phase is between the local IV-D agency and the IV-A agency. For ADC-related paternity cases, it is the IV-A agency that has the first contact with the custodial parent. In the course of the IV-A eligibility interview, the applicant's obligation to cooperate with the IV-D agency in determining paternity for any out-of-wedlock children and obtaining child support from the putative father is explained, and essential information about the putative father (e.g., social security number, birth date, place of residence, and place of work) is solicited from the custodial parent and passed along in the referral to the IV-D agency. The IV-D agency also depends on the IV-A agency to sanction the custodial parent if she refuses to cooperate at any stage in the establishment process and is unable to show good cause. Examples of noncooperation most commonly cited were failure to show for IV-D interviews, pre-trial hearings, and blood tests.

Over the course of the field research, complaints were widely voiced by IV-D administrators about the poor quality of IV-A referrals. The main issue was the lack of information that would be helpful in locating the absent parent. Our interviews with IV-A administrators and intake workers revealed the large amount of time and effort involved in eligibility determination for public assistance--a process involving several program areas (the ADC grant, food stamps, child care, housing, etc.) and taking up to an hour to complete and frequently more than one interview session. IV-A personnel readily acknowledged that given the scope and amount of detailed information called for in the IV-A eligibility interview, information pertinent to the IV-D referral is viewed as only one small component. Moreover, IV-A personnel indicated that the information solicited about the absent parent takes more persistence and time than the IV-A intake worker is willing or able to give.

While the quality of referral information was a pervasive concern among IV-D administrators, there was a distinct difference across the field sites in the degree to which this and other aspects of the IV-A relationship were viewed as limiting factors in expediting paternity establishment. In general, for IV-D agencies located within a human services or welfare department, the issue loomed much less critically than for IV-D agencies unattached to welfare or human service programs. Among the Ohio field sites, for example, Montgomery County was the one site where IV-D was located in a human services department. While IV-D administrators in Montgomery voiced concerns about IV-A referrals, these concerns were minor in comparison to those voiced in Mahoning and Summit Counties. In these latter sites (free standing and prosecutorial models, respectively), poor quality IV-A referrals and noncooperation by custodial parents were noted as

the most significant problems faced by the agency in its attempt to achieve greater productivity in paternity establishment. Noncooperation by custodial parents was largely blamed on the local IV-A agency's unwillingness to aggressively sanction women who would not cooperate with IV-D. In both of these locations, IV-D administrators were critical of their IV-A counterparts and there was no evidence of institutional mechanisms through which solutions to these concerns might be sought.

Similarly in the sites outside of Ohio, the IV-D agency in Marion County, Indiana was located in the county prosecutor's office, and a major concern was lack of good referrals from IV-A and noncooperation among custodial parents. In Oregon and Wayne County Michigan, on the other hand, the IV-D programs were administered by the state welfare departments. In both of these locations, special institutional arrangements had been developed to facilitate coordination between IV-D and IV-A on matters of child support and paternity establishment. In Wayne County, IV-D support specialists were co-located in each of the neighborhood IV-A offices. This allowed a process whereby once the custodial parent finished her IV-A eligibility interview and eligibility was established (typically a matter of two IV-A interviews), she would meet with the IV-D support officers in the same location to provide information on the putative father and his location. In Oregon, IV-D intake was not co-located with IV-A, but an extensive training program had been initiated to facilitate better referral information. The Oregon system also had a well integrated and automated management information sytem through which IV-D files were automatically created from the IV-A eligibility interview. IV-D requests for sanctioning in instances of non-cooperation are all handled electronically, and unless the custodial parent responds within ten days of being notified, sanctions

are automatically imposed. Both the Oregon and Wayne County systems had a liaison person who was actively involved in promoting greater communication and cooperation between IV-A and IV-D.

On balance, the field research strongly supports the idea that cooperation between IV-A and IV-D is much more likely to occur if the IV-D agency is directly administered by the state or local human services department. While there is the obvious advantage of having both agencies working for the same director, this alone will not eliminate friction between IV-A and IV-D. However, a common professional culture, cross fertilization in the staffing of the two agencies, and physical proximity combine to facilitate communication and the creation of institutional mechanisms to foster greater coordination. For IV-D agencies located outside of human service departments or local welfare agencies, the results of the field research provide little evidence that institutional mechanisms will evolve to identify areas of common interest and to mitigate conflicts between IV-A and IV-D. In fact, given the prominent representation of lawyers in these other IV-D organizations, there appears to be something of a cultural rift and natural antithesis between IV-D and IV-A administrators. On more than one occasion during the field interviews, IV-D administrators who had legal backgrounds expressed open contempt for the bureaucratic, rule-driven mindset of IV-A administrators. With such entrenched attitudes, it is difficult to imagine any institutional mechanism evolving that will promote IV-A/IV-D cooperation.

Adjudication. Turning to the adjudication phase of paternity establishment, an even more complex set of inter-organizational dependencies comes into play, especially for IV-D agencies located in human service departments. In Montgomery County, Ohio, for example, the IV-D agency

contracts with the local prosecutor to provide legal services in the filing of paternity complaints and in representing the agency and the custodial parent before the court. In turn, the Clerk of the Court must process the filing of paternity complaints and oversee service of process, and the Juvenile Court is depended upon to provide referee time for pretrial hearings and, in extreme cases, to provide judge's time for jury trials.

For the other Ohio field sites (Hamilton, Summit, and Mahoning Counties), the process is similar except that each of these IV-D agencies has its own in-house legal staff. From the standpoint of expediting paternity adjudication, this is a significant difference. In a contractual arrangement between a IV-D agency and a local prosecutor, the agency appears to be at a distinct disadvantage. There is the general perception, for example, that paternity casework is not viewed favorably by assistant prosecutors who are mainly interested in gaining criminal casework experience. Hence, assistant prosecutors will rotate out of paternity assignments at the earliest possible moment (typically within a year). Another common percetion is that prosecutors will assign their most inexperienced and least capable assistant prosecutors to paternity work. This results in a lack of continuity and expertise in handling the legal aspects of paternity work.

Agencies with their own in-house legal staff have the advantage of a dependable and knowledgeable source of support for legal work on paternity cases. Moreover, it would appear that such expertise also works to the IV-D agency's advantage in developing relations with the court which has jurisdiction over paternity cases. Judges and referees work comfortably with other legal professionals. Hence, through its legal staff, the agency

is in a better position to negotiate with the court over docket time and procedural aspects of paternity cases.

Tradeoffs. What this suggests is an apparent tradeoff between the advantages of having the IV-D agency in a department of human services which facilitates greater coordination with the IV-A agency over referrals and sanctioning, and the disadvantages of having the IV-D agency dependent on the local prosecutor for legal services. In theory, there would appear to be a strong argument for centralizing the legal function within the local welfare department's IV-D operation. However, the antithesis of lawyers toward public administrators would appear to be fully reciprocated. When such an arrangement was suggested to a high level human services administrator in Montgomery County, for example, the response was unequivocally negative.

The alternative strategy adopted by Montgomery County has been to aggressively promote greater use of voluntary acknowledgements in paternity cases so as to minimize the need for legal or court services. While three of the Ohio sites (Montgomery, Summit, and Mahoning Counties) were moving in this direction, discussions with IV-D administrators in Montgomery indicated that greater use of voluntary acknowledgements was critical to the County's efforts to expedite the paternity process.

Outside of Ohio, the experience in Wayne County, Michigan was similar to that of Montgomery County, with the human-services based IV-D agency contracting with the county prosecutor to do the legal work on paternity cases. Low prioritization of such casework by the prosecutor and frequent turnover of assistant prosecutors assigned to paternity work were cited as having a very limiting effect on the IV-D agency's ability to process paternity cases. The situation turned around in Wayne County when the

Friend of the Court took charge of the legal work. The IV-D agency still contracts with the county prosecutor for legal work, but the legal work is actually carried out by lawyers hired by the Friend of the Court who, in turn, are deputized as "special" prosecutors. In effect, Wayne county has achieved improved productivity over the adjudicatory phase of paternity establishment by centralizing the legal function within the court which, along with IV-D, placed a high value on expediting the paternity process so as to reduce a very large backlog of paternity cases and the associated demands on the Court's docket.

In Oregon, the human-services based IV-D agency contracts with the State's Department of Justice to provide legal services in paternity cases. However, within DOJ there is the Division of Support Enforcement specifically set up to handle child support casework. Hence, unlike Montgomery County, an institutional arrangement has developed in Oregon which appears to have promoted a culture in which both the IV-D agency and the external organization with which it contracts for legal services (SED) have a shared set of values in promoting the expeditious processing of paternity cases.

These examples from the field research suggest that while a human-services based IV-D program may be at a comparative disadvantage in expediting the adjudicatory phase of the paternity process, there are ways to compensate for this inherent limitation. While human service administrators may be reluctant to centralize the legal function by hiring their own lawyers to service paternity cases, increased emphasis on voluntary establishments is seen as a way to reduce the need for prosecutorial and court services. In places such as the State of Oregon and Wayne County, Michigan, institutional arrangements have evolved in ways that

reinforce the IV-D agency's objective of expediting the paternity process. It is important to note, however, that such institutional arrangement are the result of particular individuals within the court or prosecutor's office taking a personal interest in expediting the paternity process. More generally, however, nothing in our field research indicates that such mutually reinforcing institutional arrangements would be expected to naturally evolve to promote more expeditious and productive child support systems.

While IV-D agencies operating as free standing agencies or under the auspices of the prosector or the court are more likely to foster inter-organizational cooperation over the adjudicatory phase of the paternity process, such configurations are clearly limited in their ability to expedite the paternity process over the referral phase of the paternity process. Such systems are much more likely to find their efforts to expedite the paternity process seriously hampered by noncooperation by custodial parents. Interventions to prevent or limit such behavior depend on coordination between IV-D and IV-D. Among the child support systems in our field research that are located outside of human service agencies, we found no examples of institutional mechanisms working to promote such coordination. On balance, therefore, we conclude that a child support system in which the IV-D agency operates within the local human services department has greater potential for developing strategies and institutional mechanisms to expedite the paternity process over both the referral and adjudicatory phases than one in which the IV-D agency operates as a free standing unit or under the auspices of the prosecutor or the court.

Voluntary Acknowledgements

A general tendency toward greater emphasis on voluntary acknowledgements of paternity was observed among the field sites. Of the eight sites, seven were either implementing procedures aimed at increasing the number of voluntary acknowledgements or were already quite experienced in their use. Estimates varied widely as to the proportion of paternity cases determined through voluntary acknowledgements. In part this reflects a fairly elastic definition of what constitutes a voluntary acknowledgement. Some places categorize a case as a voluntary acknowledgement only if such an acknowledgement is made prior to the filing of a paternity complaint; others include cases even after a pre-trial hearing and a blood test has been performed. Estimates from Oregon, which has made a concerted effort to reduce the amount of judicial input to paternity cases, indicate that approximately one-third of its paternity cases are decided voluntarily in the sense that the absent parent participates in the initial interview and decides to make such an acknowledgement. Another one-third of its paternity cases are decided by default which may be interpreted as a type of acknowledgement. In these cases, the absent parent is served with a complaint and fails to show for a pre-trial hearing. Assuming good service, the absent parent is, in effect, acknowledging paternity by default.

The Oregon statistics, which appear to be quite reliable and reflect extensive experience with voluntary acknowledgements, indicate that from one-third to two-thirds of paternity cases can be determined without extensive legal or judicial involvement through a combination of voluntary acknowledgements and default judgements. Comments from the field interviews indicate that more extensive use of voluntary acknowledgements places greater weight on the IV-D caseworker to determine if the case is one for

which a voluntary acknowledgement is appropriate. Caseworkers must also be well trained in the application of support guidelines and in avoiding missrepresentation in matters requiring legal counsel. Greater use of default judegements also reduces demands for legal and judicial input, but there is a corresponding need for good process of service to insure that the putative father is properly notified.

Management Information Systems

The status of computerized information systems varied widely across the field sites. Among the more advanced systems were those in Summit County, Ohio, Wayne County, Michigan and the State of Oregon. In other instances, paternity units were only recently computerized, with case processing involving a mix of automated and manual systems.

Even among some of the sites with more advanced MIS systems, there were clear limitations in the extent to which information could be electronically shared among the different local organizations involved in the paternity process. In Summit County, for example, the IV-D unit in the prosecutor's office had a well developed computerized case management system. However, there was no capability for sharing case information electronically with the county department of human services on new referrals or updates on on-going paternity cases. Rather, information was hand carried between the two agencies on a weekly basis. Electronic information exchanges between the IV-D agency and the court were nonexistent in a number of the field sites. As a result, case updates, including the status of service and hearing dates often had to be checked manually by IV-D personnel.

In addition to the advantages of automated information systems for case management, the field interviews revealed examples of how automated systems can facilitate inter-organizational cooperation in the paternity process.

In Hamilton County, Ohio for example, IV-D administrators indicated that the case tracking capabilities of its MIS system enabled the agency to more clearly document bottlenecks in the flow of paternity cases and to negotiate more effectively with the juvenile court for docket time. And in Oregon, where there is electronic information sharing between IV-D and IV-A, requests for sanctioning in instances of noncooperation are all handled electronically. Transaction costs between the two agencies are thus reduced and this may partly explain the high degree of cooperation between the two agencies over sanctions and the sharing of case information.

More generally, there would seem to be significant opportunity for the development of MIS systems capable of electronically sharing information across all phases of the paternity establishment process. Such sharing could lead to greater coordination and cooperation among agencies, and any attempts to impose statewide MIS systems should take into account opportunities to promote inter-organizational linkages.

Competing Values.

While concern about greater efficiency was clearly a motivating force behind much of the activity observed in the eight field sites, concerns about issues of due process and political representation were less apparent. However, as efficiency continues to be emphasized as a policy objective, conflicts with these and other values would seem to be inevitable. Indications of such potential conflicts were provided in Wayne County, Michigan, arguably the most efficient child support system of the eight field sites we visited. The Wayne County system has no backlog of cases and 98 percent of all paternity cases are reportedly completed within one year. The Wayne County system is a highly centralized system, with the prosecutorial function effectively carried out by the Friend of the Court.

While putting the prosecutorial function under more centralized control undoubtedly helps expedite the paternity process, it also raises questions of conflict of interest and whether the court can act impartially in weighing arguments made by a special prosecutor employed by the court itself.

The Wayne County system also considers the county to be the plaintiff in paternity cases. This helps to expedite paternity cases in that once the initial IV-D interview occurs, the custodial parent no longer plays a necessary part at each stage of the process. For example, it is not necessary for her to be at pretrial hearings or at hearings on default judgments. This limits delays that might otherwise result from non-cooperative behavior by custodial parents and, therefore, helps expedite the paternity process. While promoting greater efficiency in paternity adjudication, such policies also result in a more impersonal child support system. Some concern was expressed by local administrators that a paternity order could be established in Wayne County and the custodial parent would not even be aware of it.

The Wayne County child support system also places considerable pressure on putative fathers to voluntarily admit to paternity. If, at the initial IV-D interview, they acknowledge paternity, some part of the health costs incurred at the time of the child's birth are routinely waived. However, if the putative father exercises his right to a blood test and the case goes forward to the Friend of the Court, those birth-related costs will not be waived in the event that he is found to be the father. Given a reported exclusion rate of over 30 percent in Wayne County, it is not unreasonable for putative fathers to want to exercise their rights to a blood test and

any pressure to discourage them from doing so is at least arguably an infringement of those rights.

Questions of procedural due process and fundamental fairness arose elsewhere among the field sites. In three of the Ohio sites, for example, efforts to deal with very large backlogs of paternity cases have led to such practices as initial IV-D interviews with groups of custodial and absent parents, substitution of a questionnaire for face-to-face IV-D interviews, and mass pre-trials (up to 100 cases heard at one time). While intended to expedite the paternity process, such measures raise questions of whether the interests and concerns of the custodial and absent parents are being full heard.

Similarly, more aggressive use of voluntary acknowledgements has raised due process concerns among some of those we talked with in the field. The high rate of illiteracy among the population served by IV-D agencies was noted in discussions about whether putative fathers fully understand the rights they waive (to blood testing and to be heard by the court) when they voluntarily acknowledge paternity. Related to this, a number of people we interviewed raised due process questions in connection with voluntary acknowledgements and the risk that IV-D case workers might be under increased pressure to provide legal advice.

In general, a number of issues were raised in the course of our field research related to the principles and values of due process and fundamental fairness. However, these issues and questions reflected concerns by individuals and were not consistently voiced as a matter of general concern within any particular part of the child support system. Even among court referees and judges, persons who might be expected to be most sensitive to these issues, concerns about the magnitude of the paternity casework

dominated all other issues. It would seem, therefore, that any push to force a broader reckoning of values in policy initiatives related to paternity establishment will not come from within the system but will result from pressure brought from outside.

Politics. In each of the eight field sites we inquired about political interest in child support and paternity establishment. We were especially interested in any interest group involvement by custodial or absent parent groups and whether their concerns were being heard by IV-D administrators. There were examples of such involvement. The mothers organization, ACES, was active in several of the sites and local county commissioners in two of the Ohio sites were sufficiently sensitive to constituent interests over child support matters to have child support hotlines installed in their offices. In Oregon, an interview with the local ACES representative indicated that she had been invited to testify at hearings on state policy. However, as noted earlier, most of the comments about interest group activity seemed to be motivated by concerns about enforcement rather than with the establishment of paternity and support orders. It would seem, therefore, that local efforts to promote efficiency in paternity establishment have not been greatly affected, positively or negatively, by interest group demands for greater representation of their views in the process. Historically, however, relatively greater interest group emphasis on support enforcement issues may have indirectly detracted from local efforts in paternity establishment.

Conclusions

This study has attempted to clarify the nature of inter-organizational dependencies in paternity establishment and the way in which such

dependencies are affecting efforts to expedite the paternity process. From this research we conclude that every organizational structure has strengths and limitations with respect to expedited paternity establishment. Systems that do better at coordinating the referral and sanctioning aspects of the paternity process also tend to have more difficulty in coordinating the adjudicatory phase of the process, and vice versa. On balance, however, we conclude that child support systems with IV-D agencies housed within human service departments or agencies have the best chance of achieving improved coordination over all phases of the paternity process. While disadvantaged in relation to other systems in coordinating the flow of cases through the adjudicatory phase of the process, there are a number of ways around this inherent limitation. Greater use of voluntary acknowledgements is one obvious strategy for reducing dependence on local prosecutors and courts. Where contracting with prosecutors or courts are an essential part of the process, improved MIS systems can be used by human services-based IV-D agencies to monitor and enforce the terms of those contracts. Improved MIS systems designed to permit greater sharing of information across different phases of the paternity process may also have a mitigating effect on inter-organizational frictions.

Longer term, the deployment of civil processes and procedures in paternity cases may make it more possible to incorporate the adjudicatory phase of paternity work under the domain of human service-based IV-D agencies.

For agencies operating under the auspices of a local prosecutor, court or as a free standing agency, the adjudicatory phase of paternity establishment is less of an issue. The big limitation is at the referral stage and promoting greater cooperation with IV-A. Improved MIS systems and

information sharing may help in this regard, but there are no obvious ways around the need for such cooperation. These systems will always be dependent on IV-A cooperation, and on the basis of our field research, such cooperation is not likely to come easily.

Paternity Establishment in 1990: Performance at the Local Level

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Introduction

Although research about the child support enforcement program and child support payment behavior has increased rapidly in recent years, few of these studies have focused on issues related to children born to unmarried parents. Paternity establishment is the critical link to obtaining child support for these children. Through this process men who father nonmarital children assume the rights and responsibilities of parenthood, as defined by law. A survey of county child support agencies in 1990 conducted by The Urban Institute has documented a wide variation in local approaches to organizing and expediting paternity establishment.[1] This paper explores whether particular approaches are associated with higher rates of paternity establishment. The accumulating evidence about the rapid growth of families headed by never-married women and their economic distress underlines the importance of obtaining a better understanding of how paternity establishment is working in localities around the country.

In 1989 childbearing among unmarried women reached record levels for the second year in a row. The rate of 41.8 births per 1000 unmarried women was 8 percent higher than the previous year, and 42 percent higher than 1980. Because childbearing among married women has declined during this same period, nonmarital births compose an increasing share of all births. In 1989 more than one quarter of births (27 percent) occurred to a non-married woman (National Center for Health Statistics, 1991).

The dramatic rise in the number of U.S. children born to unmarried mothers causes concern because of the alarming rates of poverty they experience. Poverty rates for families headed by mothers are high in general; approximately one third (32 percent) fall below the official poverty line. But when the female head has never been married, more than one half (54 percent) are likely to be poor (U.S. Bureau of the Census, 1991). As a result, female headed families, especially those headed by young never-married mothers, are likely to require public financial

[1] See accompanying paper by Holcomb, Seefeldt and Sonenstein for a description of organizational structures, administrative practices and voluntary consent procedures.

assistance.

Increasingly the caseload of Aid to Families with Dependent Children (AFDC) is composed of nonmarital children. In Fiscal Year 1989 more than half (53 percent) of children on AFDC were eligible because their parents had "no marital ties." Ten years earlier, the statistic was 39 percent. (U.S. House of Representatives, 1991). Families headed by young never-married mothers are also likely to remain on public assistance for long periods of time. Ellwood (1986) has estimated that 40 percent of never married women obtaining AFDC benefits before age 26 will spend 10 years or more on AFDC.

While the reasons for poverty among never-married women with children are complex, one important contributing factor is the lack of child support from absent parents. The problem of nonsupport is directly linked to paternity establishment because child support cannot be ordered or enforced until paternity has been legally established. In 1989, only one quarter (24 percent) of never-married mothers had child support orders. This rate was three times lower than the rate for ever-married mothers heading families (U.S. Bureau of the Census, 1991). Even though the level of support obtained by never-married mothers is low, the evidence suggests that the proportion has tripled over the last decade, from 8 percent in 1979 (Nichols-Casebolt and Garfinkel, 1991).

Federal Policy

The history of the federal policy regarding paternity establishment reflects legislators' concern about the intimate connection between welfare dependency and the absence of fathers. The Child Support Enforcement Program authorized in 1975 under TitleIV-D of the Social Security Act was the first major effort of the federal government to address the problem of nonsupport of children, especially children in AFDC families.[2] The enabling legislation established the Federal Office of Child Support Enforcement and required states to (1) establish child support obligations

[2] While several provisions to improve the collection of support had been tried in the 1960's, most notably a 1967 change in the Social Security Act which required welfare agencies to initiate paternity establishment for AFDC children born out-of-wedlock, none had been fully implemented.

against absent parents, (2) enforce these obligations, and (3) establish paternity for children born out of wedlock as a necessary step in establishing a support obligation. Recipients of AFDC were required, as a condition of receiving AFDC benefits, to cooperate with the state in establishing paternity and securing child support. Non-AFDC families could also receive child support services but federal incentives were not provided to states for these services. Even though the Title IV-D program was authorized in 1975 to establish paternities, a study three years later found that although all States had statutory provisions for establishing paternity, only 13 provided children undergoing this process with a legal status roughly equivalent to children born within marriages. In the remaining states the establishment of paternity did not constitute full legitimation nor provide inheritance rights (Hardy, Rank, Delker, Young and Lawrence, 1978).

Major initiatives to strengthen child support services for both AFDC and non-AFDC families were passed in 1984 and 1988. While the amendments passed in 1984 primarily focused on improving approaches to setting and enforcing child support awards, the Family Support Act of 1988 (P.L. 100-485) contained several provisions aimed at improving the paternity establishment performance of IV-D child support agencies.[3] These provisions included:

Simplified Civil Process and Procedure. In FSA, Congress explicitly encourages states to adopt a simple civil process (e.g. a voluntary acknowledgement process) for establishing paternity in non-contested cases and a civil procedure for contested cases. This recommendation reinforces the trend to distance paternity establishment from its origins as a criminal proceeding and develop simplified civil processes to establish paternity. The general perception is that civil processes and procedures are less time-consuming and less expensive because they reduce dependency on already strained court resources.

Expanding Paternity Establishment Services. FSA clarified the intent of the 1984 Child Support Amendments regarding the statute of limitations on paternity establishment cases. Any child under 18 for whom paternity has not been established is eligible for paternity establishment services until a child's 18th birthday. The statute of limitations clarification also declared that, retroactive to 1984, any child for whom a paternity action was brought but whose suit was dismissed because of a shorter than 18 year statute of limitations must be allowed to bring a new suit.

[3] The federal-state child support enforcement program created in 1975, is known as the IV-D program, because child support legislation is found in Title D, Part IV of the Social Security Act was created in 1974.

<u>Performance Standards</u>. In response to Congressional frustration that States had not put enough emphasis on paternity establishment, FSA also introduced goals for establishing paternity. This provision was effective beginning October 1, 1991. Of all non-marital children receiving IV-D services, the percentage for whom paternity is established must be: (1) at least 50 percent, or (2) equal to or better than the national average of all States, or (3) 6 percentage points higher than in FY1988 (the base year) and increase 3 percentage points each subsequent year. States are required to attain this performance goal or risk triggering a penalty.

<u>Parentage Testing</u>. The increased use and improved reliability of genetic testing has changed the whole character of the paternity establishment process. Scientific proof of paternity has to a large extent replaced often costly and protracted court trials. Under FSA, reliance on genetic testing to resolve paternity disputes will increase as States adopt procedures which require all parties to submit to genetic testing upon the request of any party in a contested case. FSA raised the Federal reimbursement to States for lab tests costs to 90 percent. Also, a provision was added allowing States to charge non-AFDC IV-D recipients a fee for performing genetic tests.

<u>Other Provisions</u>: Other FSA provisions were funding for states to implement automated tracking and monitoring systems and the establishment of specific time frames for processing cases. In addition each state must require parents to furnish their Social Security Numbers when birth certificates are issued.

Previous Work

Research focusing on issues related to paternity establishment is limited. While there is a demographic literature about the causes and consequences of out-of-wedlock childbearing especially among teenagers, this work has not examined paternity establishment as one of the potential steps that can follow the birth of an out-of-wedlock child. Even simple descriptive data are not available about how many U.S. children born to unmarried parents have paternity established. Research has not examined whether paternity establishment has any effect on the well being of the child although a number of analysts have suggested there would be economic, social and psychological benefits (Wattenberg, 1987; Nichols-Casebolt, 1988). Neither do we know what the impacts of paternity establishment programs and policies are on rates of paternity adjudication and child support payments. Until recently, we did not even have a good picture of how paternity program practices differ from jurisdiction to jurisdiction across the country.

(Besharov and Tramontozzi, 1989).

In the last five years, as paternity establishment has become recognized as an important policy issue, research efforts have intensified. As Congress and program administrators seek approaches to increasing the numbers of paternities established, the research has focused on developing indicators of program performance and on identifying policies and practices which will enhance performance.

Indicators of Program Performance

Since 1979 the Office for Child Support Enforcement has collected program statistics by state on the numbers of paternities established annually. Between fiscal years 1979 and 1989, the Office reports that close to 2 million paternities have been established. Each year the number has grown from-- 111,000 in 1979 to 337,000 in 1989. Interpretation of these statistics, however, has been difficult because of the lack of a denominator allowing assessment of whether the proportion of paternities established relative to the pool of cases eligible for paternity establishment has improved over time or varies from state to state.

Several researchers (Nichols-Casebolt & Garfinkel, 1991; Wattenberg, 1984) have used the simple ratio of the number of paternities established to the number of out-of-wedlock births in the same or the previous year. Using this statistic, the ratio of paternities in 1988 to births in 1988 was 31 percent for the U.S. compared to 19 percent in 1979. There is also considerable variation by state, from a low of 2 percent in Texas to a high of 115 percent in Vermont (U.S. House of Representatives, 1991). As Aron and colleagues (1989) have shown these ratios are not perfect indicators of performance. Many children born out of wedlock are not candidates for paternity action because of adoption, death, and post-birth marriages, some paternities are established outside the child support system, and the pool of children eligible for action includes children born up to 18 years earlier and children born in different states.

An alternative approach has used survey data about never-married mothers with child support awards in the Current Population Survey to estimate the proportion of children with paternities established (Aron, Barnow & McNaught, 1989; Nichols-Casebolt & Garfinkel, 1991). As noted earlier, the proportion of never-married mothers with orders has steadily risen, from 9 percent

in 1979 to 24 percent in 1989. Again these estimates are less than ideal because the survey does not include information about never-married mothers under the age of 18 or currently married mothers with children born out-of wedlock. Information is only collected for a single child, and having a child support order is only a proximate measure of paternity status. Aron, Barnow and McNaught (1989) deal with this latter issue by developing upper and lower bound estimates. In a study that actually followed teenage mothers in Wisconsin after the birth of a nonmarital child, Danziger and Nichols-Casebolt (1989) found that after 4 years, less than 43 percent of the children had legally identified fathers and even fewer, 17.5 percent, had legal rights to financial support. The authors conclude that a large proportion of eligible cases fail to enter the paternity establishment/child support system, and those cases that do enter the system are primarily initiated through the public welfare system.

To encourage States to put more effort into paternity establishment, The Family Support Act introduced performance goals effective in 1991. To assess progress towards the goals, states are required to collect data about the number of nonmarital children receiving IV-D services. Thus, for the first time in 1988 it was possible to compare the number of paternities established through the CSE program to the number of children in the program needing paternity established. States have had a fair amount of difficulty complying with these new data requirements. In 1988, the national average paternity establishment percentage (unaudited) was 41 percent with 8 states providing no data. No further statistics have been released (U.S. Department of Health and Human Services Office of Child Support Enforcement, 1990).

Studies of Paternity Establishment at the Local Level

In addition to efforts measuring how well child support programs are performing paternity establishment, the emphasis on improved performance has led to a number of recent studies of how paternity establishment operates at the local level. Many of these studies seek to identify policies and practices related to exemplary performance. They look in depth at such issues as caseflow, inter-organizational and intra-organizational relations, management practices and perspectives of clients, line workers and administrators in selected local counties. (Adams, Landsbergen and Hecht, 1990; Monson & McLanahan, 1991; Nichols-Casebolt, 1990; Office of

Child Support Enforcement, 1989; Office of Inspector General, 1990; Wattenberg, 1984; Wattenberg, Brewer and Resnik, 1991; Williams and Williams, 1990). A couple of studies have focused on the cost effectiveness of paternity establishment in local sites (Young, 1984; Williams, 1988). Together these studies demonstrate the striking variety in the ways paternity establishment is organized and carried out in localities across the country.

Data Sources

The National Survey of Paternity Establishment Procedures was designed to collect nationally representative data to complement the more focused local studies described above. Its major objective was to obtain a nation-wide picture of the ways paternity establishment is carried out by child support agencies in counties throughout the country. In addition, the association between specific practices and program performance on paternity establishment rates was to be examined. This survey collected information for 249 counties in 42 states and the District of Columbia. The sample of selected counties was drawn as part of the cluster sampling design used for the 1988 National Survey of Adolescent Males which conducted interviews with 1880 young men about their fertility behavior (Sonenstein, Pleck and Ku, 1989).[4] The sample of counties is weighted when frequencies are reported to make the results representative of counties in the contiguous United States.[5]

The survey primarily conducted in the summer and fall of 1990 used a combination of telephone interviews and mail questionnaires to gather information from program administrators at both the state and local levels. Semi-structured telephone interviews were conducted with state

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[4] A final objective of the study is to add the county paternity information as contextual data to the National Survey of Adolescent Males to examine the association between county child support policies and practices and the fertility behavior of young men living in those counties.

[5] The weight is the inverse of each county's probability of selection into the sampling frame. A post-stratification adjustment was done to scale the weights to the known distributions of counties by population density, based on data in the 1988 City-County Data Book. The weights were set to average to 1.

directors of child support enforcement programs to determine how paternity establishment was organized in each state, to arrange access to local program administrators, and to obtain county/substate program statistics. Directors of county or sub-state child support programs (or the person designated to be the most knowledgeable about paternity establishment) were also interviewed by telephone and then asked to complete a close-ended mail questionnaire. The topics covered included organizational relationships with the welfare agency, the court, county attorneys and other relevant agencies in the county, staffing patterns, referral and intake procedures, techniques used to locate and notify fathers, case flow and case management, genetic testing, and perceived barriers, among others. The response rates on the survey were uniformly high and varied only slightly by the data collection method used. The completion rates were 100 percent for the state IV-D director's telephone survey, 98 percent for the local-level telephone surveys, and 87 percent for the local-level mail surveys.

Additional data about the demographic characteristics of the counties were added to the data file from the County and City Data Book (U.S. Bureau of the Census, 1988). Out-of-wedlock births in each county for 1988 were provided by the National Center for Health Statistics.

Rates of Paternity Establishment

One of the objectives of the study was to measure paternity establishment performance at the local level so that the effectiveness of alternative programmatic approaches could be assessed. Although states have collected annual information about the numbers of paternities established by the child support program since 1979, until the Family Support Act, information about the number of cases needing paternity established was not routinely collected. The survey solicited information about cases eligible for paternity actions in two ways. Local respondents were asked, "How many paternity cases were active in your office in FY 1989?" The department in charge of state program statistics was asked to provide "the number of children in IV-D Cases Active in FY 1989 who were born out-of-wedlock" for the county or substate region covered by the local office. This latter terminology is what the federal child support enforcement program is

using as the denominator to determine state paternity establishment performance rates.[6]

Neither of these sources provided information sufficient to calculate paternity establishment rates in the same way for all the counties. Less than half the sample (113 counties) provided information about their active caseload. Only two-thirds (163 counties) provided the number of non-marital children in IV-D cases. Using the available information we computed an unweighted rate of .47 for counties providing information about paternities established and their active paternity caseload and an unweighted rate of .41 for states providing information about paternities established and the numbers of non-marital children in IV-D cases.

Given the lack of uniformity in these data, we decided to use the number of non-marital births in 1988 in each county as the base for calculating standardized county paternity establishment rates. As noted earlier, this approach has some weaknesses[7] but its compensating strengths are comparability and reliability across counties. County data on nonmarital births for 1988, the most recent year available, were provided by the National Center for Health Statistics. A paternity ratio was constructed for each county by dividing the number of paternities established in FY 1989 by the number of out-of-wedlock births in the county in calendar year 1988.[8] The lowest ratio was .04 and the highest was 3.25. Indeed, the ratio was 1 or higher in 11 counties.[9] The weighted mean of the paternity ratios for the sample was .49.

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[6] States were required, however, to provide state-wide, not county level statistics.

[7] Many children born out of wedlock are not candidates for paternity action because of adoption, death, and post-birth marriages. Some paternities are established outside the child support system. The pool of children eligible for paternity action is broader than the births in a single year; it includes children born up to 18 years earlier and children born in different counties and states.

[8] In places served by an office whose catchment area included more than one county, the ratio of paternities to births was calculated using the total nonmarital births in all the counties served by the office.

[9] It is possible for a county to establish more paternities in year than there were nonmarital births the previous year because paternity may be established up to a child's 18th birthday. Also not all paternities established in a county are for children born in that county.

Factors Associated with Paternity Establishment Rates

Having chosen a standardized indicator of county performance on paternity establishment, we were interested in examining the association between county paternity ratios and the characteristics of counties and their paternity establishment programs. Our model assumed that the flow of cases through the paternity establishment process would be a function of the vectors of following classes of variables:

(1) the demographic and socioeconomic characteristics of the county.

(2) the specific types of policies and procedures for intake, locate and adjudication used in each jurisdiction,

(3) the characteristics of the court and legal system,

(4) the characteristics of the paternity caseload, and

(5) the organizational structure and management of the CSE paternity services.

Our analytic approach was essentially exploratory. We used OLS regression techniques to estimate models of paternity establishment by regressing the paternity ratio on measures of each of these classes of explanatory variables using a stepwise approach.[10]

We began our analyses by regressing the paternity ratio on measures of the demographic and socioeconomic characteristics of the counties thought to be associated with program performance. We hypothesized that paternity establishment would be more difficult, and ratios would therefore be lower, for populations that were more urbanized, with higher unemployment and poverty rates, with higher proportions of births to adolescent mothers, with lower education and higher concentrations of blacks and Hispanics, and experiencing higher population growth. Measures of these variables were entered into the paternity ratio model and the number of predictor

[10] The multivariate analyses were not weighted.

variables was reduced to those with t statistics close to or greater than 1.[11] This set of variables essentially provides some controls for variations in paternity establishment ratios that occur across counties because of differences in demographic composition.

At the second stage of the analyses, two sets of variables characterizing the organizational setting of paternity establishment and the manner in which voluntary consent was handled in the county were added to the regression equation. Our qualitative and quantitative analyses of the survey data had shown that these were two major dimensions defining how paternity establishment practices varied across counties (Holcomb, Seefeldt, and Sonenstein, 1992). In subsequent stages (3-6) measures of administrative practices regarding intake, locate and notification, court availability, and genetic testing were each added sequentially to the model. At each stage those variables with t statistics close to or greater than 1. Then in stages 7-10 measures of staff training and supervision, management information system capacity, and funding, staffing and caseload characteristics were tested sequentially in the same manner. Table 1 presents the definitions and weighted distributions of all variables in the final reduced form of the model. Table 2 shows the regression results, collapsing the stages to four steps. Table 3 lists the variables that were tested and eliminated from the models.

In the first step of the model shown in Table 2 county paternity establishment ratios were found to be significantly associated with the organizational setting of the program, the type of consent procedure used, and the demographic characteristics of the counties. A major distinction between counties in the way paternity establishment was organized was the type of agency handling child support and paternity establishment. Three prototypical approaches were identified. Child support and paternity establishment were either carried out by a legal agency like a prosecuting attorney, a human services agency, or cases were shared between human service and legal agencies. In the latter approach, uncontested cases were handled by the human services agency and contested cases were transferred to a legal agency.

In the regression model, counties using the transfer approach to paternity establishment had significantly higher paternity establishment ratios than counties in which paternity establishment was located in a legal agency. The two agency transfer organizational structure was associated

[11] Several interaction terms were tested, and one term north*population change was retained.

Table 1. Weighted Distribution of Variables

Variable	Description	Mean	Std Dev
Ratio	Paternity Ratio	.499	.425
Unemployment Rate	County Unemployment Rate 1986	.107	.053
Families Below Poverty	County 1979	.142	.084
South	Census Region: South	.548	.499
North	Census Region: North	.051	.221
	(West + Midwest Omitted)		
North*Pop. Change	Interaction North x Population Change	.002	.010
Population Change	Net Change County Population 1980-1986	.048	.119
Rural	Non-metropolitan County	.777	.417
Urban 200,000	Metropolitan, Population $\leq$ 200,000	.147	.355
Urban 500,000	Metropolitan, Population $\leq$ 500,000	.050	.217
	(Metropolitan, Population >500,000 Omitted)		
Human Services Agcy	Paternity in Human Services Agency	.434	.497
2 Agency Transfer	Paternity Transferred for Contested Cases	.347	.477
	(Paternity in Legal Agency Omitted)		
Multiple Consent	Pat. Process with Multiple Consent Opportunities	.372	.484
Court Last Resort	Court as Last Resort Pat. Process	.162	.370
One Time Consent	Pat. Process with Single Consent Opportunity	.183	.387
Other Consent	Consent Process Unclassifiable	.006	.080
	(No-Consent Process Omitted)		
No Questionnaire	Mail Questionnaire Not Returned	.054	.226
NonAFDC Moms Intervwd	Every non-AFDC Mother is Interviewed	.668	.472
AFDC Moms Interviewed	Every AFDC Mother is Interviewed	.437	.497
IVA Collects Case Info.	IV-A Agency Collects Primary Info Re. Father	.190	.393
Mother Must Attend Herng	Mothers Must Attend Hearing	.538	.500
Other Agencies Dissem.	Agencies in Community Disseminate Pat. Info	.680	.467
Local Utility/Tax/Credit	No. of Local Locate Sources	1.466	1.136
State Wage/Tax/DMV/FPLS	No. of State/Federal Data Matches	3.236	1.078
Crime/School Records	No. of Locate Sources	1.016	.687
Can Request Test	To Avoid Hearing, Father Can Consent to Test	.333	.472
State Pays for Test	State Pays Up Front for Genetic Test	.109	.313
Stipulate to Test Results	Father Agrees to Accept Test Results	.129	.336
Quasijudic. Staff	Quasijudicial Staff Used	.162	.369
Bench Warrants Issued	Bench Warrants Are Used for Failures to Appear	.542	.499
Default 1st Notific.	Defaults for Failure to Respond or Appear	.124	.330
Manual Caseload Managemt	Cases Managed with Manual System	.325	.469
	(Automated or Semiautomated Systems Omitted)		
Court Reports Case Stat	Court Routinely Reports Status of Cases	.362	.482
Case Tickler System	System Alerts Worker When Case Action Required	.543	.499
Computer Interface	Computer Interface Between IV-A and IV-D	.641	.481
Staff Cross Training	Between IV-A & Pat. Est. Staff in past 6 months	.301	.460
Same State & Local Agcy	CSE is in Same Agency at State & Local Levels	.778	.416
Funds Per Case	CSE Operating Budget FY89/AFDC+NonAFDC Caseload	3.076	18.041
	(Divided by 100)		
Agency Commitment to Pat.	3 Point Scale (Moderate to Very High)	2.395	.859

Table 2. County Characteristics and Paternity Practices Associated with Paternity Ratios (OLS)

	Model 1		Model 2		Model 3		Model 4	
	Beta	t	Beta	t	Beta	t	Beta	t
Unemployment Rate	-1.803	-2.078**	-2.371	-2.688***	-2.027	-2.303**	-1.729	-1.956*
Familes Below Poverty	1.354	2.311**	1.519	2.627***	1.276	2.208**	1.080	1.881*
North	0.001	0.010	0.018	0.252	0.052	0.711	0.071	0.987
South	-0.088	-1.435	-0.093	-1.519	-0.045	-0.707	-0.040	-0.646
North*Pop.Change	-2.742	-2.148**	-2.917	-2.308**	-2.363	-1.869*	-2.389	-1.943*
Net Population Change	-0.562	-2.630***	-0.571	-2.713***	-0.553	-2.682***	-0.490	-2.428**
Rural	0.163	2.123**	0.185	2.451**	0.154	1.972**	0.177	2.310**
Urban 200,000	0.269	4.402***	0.281	4.658***	0.261	4.227***	0.245	4.045***
Urban 500,000	0.102	1.623	0.127	2.056**	0.144	2.361**	0.142	2.376**
Human Services Agency	0.036	0.598	0.017	0.275	0.061	0.990	0.111	1.775*
2 Agency Transfer	0.199	3.471***	0.178	3.088***	0.203	3.537***	0.190	3.331***
One Time Consent	-0.013	-0.207	0.002	0.024	0.012	0.188	-0.026	-0.405
Court Last Resort	0.154	2.260**	0.163	2.392**	0.095	1.351	0.052	0.749
Multiple Consent	0.169	2.843***	0.190	3.189***	0.191	2.796***	0.180	2.632***
Other Consent	0.045	0.323	0.166	1.097	0.096	0.629	0.067	0.448
No Questionnaire			-0.221	-2.234**	-0.169	-1.625	-0.155	-0.992
NonAFDC Moms Intrvwd			0.068	1.324	0.076	1.510	0.079	1.602
AFDC Moms Interviewed			-0.142	-2.693***	-0.130	-2.470**	-0.158	-2.984***
IVA Collects Case Info			-0.058	-1.065	-0.070	-1.295	-0.092	-1.729*
Mother Must Attend Herng			-0.066	-1.457	-0.052	-1.135	-0.036	-0.788
Other Agencies Dissem.			-0.074	-1.334	-0.061	-1.123	-0.075	-1.372
Local Utility/Tax/Credit			-0.053	-2.251**	-0.050	-2.100**	-0.041	-1.740*
State Wage/Tax/DMV/FPLS			0.037	1.431	0.030	1.181	0.027	1.077
Crime/School Records			0.082	2.611***	0.072	2.329**	0.067	2.188**
Can Request Test					-0.062	-1.070	-0.069	-1.209
State Pays For Test					0.132	1.900*	0.125	1.825*
Stip. to Test Results					0.146	1.780*	0.155	1.942*
Quasijud. Staff					-0.095	-1.880*	-0.126	-2.507**
Bench Warrants Issued					-0.045	-0.940	-0.046	-0.964
Default 1st Notific.					0.134	2.055**	0.119	1.861*
Manual Caseload Managemt							-0.104	-2.035**
Court Reports Case Stat.							-0.065	-1.365
Case Tickler System							-0.094	-1.991**
Computer Interface							-0.118	-2.124**
Staff Cross Training							-0.076	-1.557
Funds Per Case							-0.004	-2.093**
Agency Commitment to Pat.							0.088	2.099**
(Constant)	0.204	2.180	0.234	1.661	0.223	1.544	0.241	1.301
Adjusted R Square	.185		.238		.272		.320	

*** $p < .01$ ** $p < .05$ * $p < .10$

Table 3. Variables Tested and Not Included in Reduced Models

County Demographic Characteristics
- Proportion of Population Hispanic
- Proportion of Population Black
- Proportion of Population High School Graduates
- Per Capita Income
- Proportion of Births to Mothers under Age 20
- Census Region Midwest (combined with West as omitted variable)

Intake Practices
- Frequency with which Cases Referred for Non-Cooperation Are Sanctioned
- Use of Law Enforcement Agency to Notify Alleged Father
- Activity on AFDC Paternity Referral Before AFDC Eligibility Determined
- Outreach Efforts Made by Paternity Establishment Agency

Locate Practices
- Number of Routine Sources of Information Consulted (in place of locate sources categorized

Adjudication Practices
- Father Must Make Court Appearance in Voluntary Consent Procedure
- Court Hearing Required for Genetic Test
- Alleged Father Can Request (Stipulate to) a Genetic Test and Avoid Hearing
- State Pays for Genetic Test, Requests Reimbursement from Father
- Blood Draws are Conducted On Site

Legal and Court Characteristics
- Level of Attorney Involvement in Paternity Process
- Onsite Attorney Supervised By Outside Agency
- Judges Dedicated to Child Support
- Days Per Month Court Available for Paternity Cases
- Level of Commitment of Court to Paternity Establishment (highly correlated with Level of CSE Agency Commitment)
- Judicial/Quasi-judicial/ or Administrative Process
- Defaults Issued for Failure to Appear for Genetic Tests
- Number of Steps in Paternity Process at Which Defaults Can be Issued

Client Characteristics
- Proportion of Mothers who Fail to Show Up for Interviews
- Proportion of Alleged Fathers who Fail to Appear for First Appearance
- Proportion of CSE Caseload AFDC

Management Practices
- Supervisors Review Case Records for Quality Control
- CSE staff per Case
- Computers Generate Standardized Forms
- CSE Agency is the Same at State and Local Levels

with a 20 percentage point rise in the ratio. Paternity establishment located solely in the human service agency (for both contested and uncontested cases) showed no significant independent effect on the paternity ratio.

A second major distinction between counties' approaches to paternity establishment was how voluntary acknowledgement to paternity was handled. Four prototypical approaches were found: (1) a no-consent process in which all paternity cases were handled through the court and there were no opportunities to consent voluntarily outside of a court hearing; (2) a one-time consent process in which alleged fathers were given a single opportunity to consent voluntarily, usually right after notification of the allegation; (3) a multi-consent process in which alleged fathers were given at least two opportunities to consent, usually after notification and also after genetic testing; and (4) a court-as-last-resort process in which fathers had to respond to a notification by filing with the court whether they would consent to or contest the allegation. In this latter process the court's role after the initial notification was generally limited to handling contested cases after genetic tests.

In the regression model, counties using the multi-consent process and the court as last resort process had significantly higher paternity ratios, compared to counties using a court dominated no-consent process. Use of the multi-consent process was associated with a 17 percentage point increase in the paternity establishment ratio. Use of the court-as-last resort process was associated with a 15 percentage point rise in the ratio, compared to a no-consent process. Since use of any voluntary consent procedure is commonly believed to improve paternity establishment performance, the findings so far confirm expectations. However, there was no evidence that counties offering alleged fathers a single opportunity to consent voluntarily had higher paternity establishment ratios than counties offering no consent opportunities.

It appears that counties providing a single opportunity for voluntary consent have performance levels similar to those of traditional court dominated no-consent processes. One possible explanation for the lack of association may be that counties using the traditional court approach with no consent are higher performing counties. Under the Child Support Amendments of 1984, counties were directed to use expedited processes unless they could show that their performance levels were already high. Thus those counties still using a no-consent process may have had high performance levels while other counties have moved to a single opportunity for consent. An

alternative explanation may be that offering single opportunities for consent is not a sufficient condition for boosting paternity establishment rates.

The county characteristics that were significantly and negatively associated with the paternity ratio were the unemployment rate, the growth rate (net population change) and an interaction term coupling population growth with residence in a Northern county. The paternity ratio was higher in rural and smaller urban counties--those with populations less than or equal to 200,000--in contrast to urban counties with more than 500,000 residents. It was also higher in counties with a higher proportion of families living below poverty. This finding was surprising since we had hypothesized that higher proportions of the population below poverty would indicate a harder population for the child support program to work with. However, the poverty indicator may be associated with welfare participation rates. Since AFDC participants are required to cooperate with the Child Support Enforcement program, paternity rates may actually be higher in areas with higher levels of family poverty.

The second model shown in table 2 shows the coefficients when variables describing particular intake and locate practices were added to initial specification. This step and subsequent steps adding measures of other administrative practices essentially tested whether the independent associations, observed above, of the organizational location of paternity establishment and the type of voluntary consent available are direct or whether they reflect the influence of particular practices that are commonly associated with different organizational or consent approaches.[12] The second model reveals that intake and locate practices were associated with paternity establishment rates. While the first model explained 18.5 percent of the variance in paternity establishment rates, the second model with intake and locate practices added explained 23.8 percent. One set of locate practices had a significant independent association with the paternity ratio.[13] Counties using criminal record checks and school records had performance levels 8

[12] For a description of how particular practices tend to be used in conjunction with particular organization or consent approaches, see accompanying paper by Holcomb, Seefeldt and Sonenstein, 1992.

[13] The sets of locate practices were developed on the basis of a factor analysis of 18 variables identifying different sources of locate information that counties might use routinely to locate alleged fathers. Six factors explaining 61 percent of the variance emerged.

percentage points higher than counties who did not. The use of state tax, wage and department of motor vehicle information in combination with the federal locator service was also positively associated with paternity ratios, but the association did not reach the .10 level of significance. Similarly the practice of interviewing non-AFDC mothers to obtain information about the father was also positively associated with the paternity ratio.

Two practices appeared to have an independent negative association with paternity establishment rates. These were the intake practice of having every AFDC mother interviewed in the CSE/paternity establishment office (versus obtaining interviews for particular types of cases) and the locate practice of routinely using utility companies, tax assessors and credit bureaus as sources of information to locate fathers. Interviewing all AFDC mothers was associated with a 14 percentage point decrease in the paternity ratio; using utilities, assessors and credit bureaus was associated with a 5 percent decrease. In addition those counties not returning their mail questionnaires had significantly lower paternity ratios.[14]

Other practices with a negative, but nonsignificant, relationship to paternity performance were reliance on the welfare agency to collect case information for the child support program (versus having the child support program collect its own information), requiring mothers to attend the initial hearing or meeting with the father and rescheduling if she does not, and having community agencies routinely disseminate information about paternity establishment. While not significant, the negative sign on the coefficient for reliance on the welfare agency to collect information about the father is interesting in light of the earlier finding about the negative association between paternity rates and the practice of having the IV-D office interview all AFDC cases. It appears that child support programs with higher paternity rates are neither relying on IV-A to collect information nor interviewing every AFDC case. More information is needed about the criteria high performing agencies use to decide when AFDC mothers are interviewed .

In this second model, the addition of variables describing intake and locate practices raised its explanatory power and did not reduce the positive associations observed earlier between

[14] This variable was introduced because 5 percent of the weighted sample had missing data on some of the administrative practice variables which had been measured in the mail questionnaire.

paternity ratios and the transfer organizational setting, multi-consent processes and the court-as-last-resort process.

In the third model shown in Table 2 variables describing adjudication practices were introduced. The explanatory power of the model increased to an adjusted R square of .27 compared to .24 without these variables. In this model, the use of defaults early in the paternity process was significantly associated with higher paternity establishment rates. The practice of issuing a default judgment to an alleged father who fails to respond to his first summons or notice was associated with a 13 percentage point rise in the paternity ratio.[15] Since this practice was most common among counties using the court-of-last-resort process, it is perhaps not surprising that the introduction of this variable to the model leads to a depression in the significant association between the court-of-last-resort process and the paternity ratio. Two other adjudication practices related to genetic testing were also positively associated with the paternity ratio at the .1 significance level. These were the use of stipulations to test results in which the father agrees to testing and to not challenging the results' validity and the practice of states' paying for the genetic testing rather than asking fathers to pay for or to reimburse the costs of genetic tests.

The use of quasi-judicial staff in the paternity process was significantly associated with reductions in paternity ratios at the .1 level of significance.[16] Two other practices were negatively associated with paternity ratios, but not significantly so: the use of stipulations to genetic tests (the alleged father can request a test) and bench warrants (arrests) when alleged fathers fail to appear at hearings or genetic tests.

The fourth model shown in Table 2 shows what happens when variables describing the

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[15] An alternative measure of default practices, the number of points in the paternity process where defaults can be issued, was tested. It was not as robust at predicting paternity ratios as the practice of issuing defaults after first notification.

[16] A variable defining the use of quasi-judicial staff in a court dominated no-consent process was also tested. The association was not significant and still negative.

management of the child support program are added to the model. These additions raised the explanatory power of the model from an adjusted R square of .27 to .32. The lack of an automated or semi-automated system to manage cases was significantly associated with a 10 percentage point decline in the paternity ratio. Thus automation and semi-automation were associated with higher paternity establishment ratios. Agency commitment to paternity establishment was also significantly associated with higher ratios. For each point increase in the commitment scale, paternity ratios increased by 9 percentage points.

On the other hand some of the other measures of practices thought to improve paternity establishment performance were associated with significant decreases in the paternity ratios. For example, when there was a system in place to alert workers to take action on paternity cases or when there was an automated interface between IV-A and IV-D, the paternity ratios were significantly lower. Also the funds the agency spent per CSE case were also negatively associated with paternity performance. Two other practices were associated with decreases in paternity ratios, but not significantly so. When the court reported back to the child support program about case status, the paternity ratio tended to be lower. When cross training occurred during the past 6 months between AFDC and CSE staff, the ratios were also lower.

The addition of management variables to the model increased its explanatory power. With these additions, the positive independent effects of the two agency transfer organization and the multiple consent process remained. In addition, in this model the location of paternity in a human services agency also showed a positive relationship with paternity ratios at the .1 level while the reliance on IV-A to collect the primary information about the father showed a negative relationship. These associations had not been evident in earlier models. Since our descriptive analyses had shown that human service agencies were more likely to be automated than legal agencies, it appears that controlling for the automation differences reveals a potentially positive effect of locating paternity establishment in a human service agency. However, the transfer mode of organizing programs still shows the strongest positive effect on paternity ratios.

Discussion

A national survey of paternity establishment at the local level has uncovered a complicated

but comprehensible array of organizational arrangements, voluntary consent processes, and administrative and management practices being used by child support programs throughout the country. Our multivariate analyses suggest that some of these approaches and practices are associated with enhanced paternity establishment performance. However, we caution readers that these findings from cross-sectional analyses are merely suggestive of possible avenues to follow in seeking improvements in program performance. We have observed associations between the presence of certain practices and paternity establishment rates, but we cannot establish the direction of causality between practice and performance because we have not observed what happens over time before and after a practice is implemented. Our analyses are also exploratory in the sense that we have attempted to identify specific policies and practices associated with program performance from a long list of candidate variables and there are only 250 cases in the sample. The wide amount of variation in paternity establishment policies and practices around the country made it difficult to winnow the list. Therefore we used a stepwise regression approach which tested the introduction of variables sequentially. Although we ordered the sequence to test systematically for the effects of logically linked practices used at different stages of the paternity process, we recognize that our results might have been different if the variable groupings had been shuffled or entered in a different order.[17]

Having pointed out these caveats, we think that there is some evidence that the three common ways that paternity establishment is organizationally based and four common ways that voluntary consent processes are structured are associated with different levels of paternity performance. Holding constant the effects of demographic differences between counties, the two agency transfer approach to administering paternity establishment appears superior to basing the services in a legal agency. There is also weaker evidence that basing the services in a human service agency is the next best option.

Among the voluntary consent processes, the use of multiple opportunities for consent appears

[17] In running stepwise regression with forward and backward specifications the multiple consent process, the two agency transfer organizational structure, issuing defaults after first notification, using stipulations to test results, having the state pay for genetic tests, and conducting matches with school and criminal records remained significant positive predictors of paternity rates.

superior to offering no opportunities for consent or offering a single opportunity for consent. The court as last resort approach also appears to show higher levels of performance. Our further analyses suggest, however, that a major feature of this model, the ability to issue defaults if a father fails to file a response with the court to his first notification, is the reason why paternity establishment rates for this model are higher than in counties with no opportunities or a single opportunity to consent.

Other program practices also appear to be associated with higher levels of paternity establishment. Running routine checks on criminal and school records to locate fathers is positively associated with paternity rates. Having the state pay for genetic tests and using stipulations to test results also accompany higher rates. The presence of an automated or semi-automated case management system and high agency commitment to paternity establishment are also associated with higher rates.

On the other hand, some practices initially thought to lead to improved performance, appear to be associated with lower levels of performance. These include conducting interviews with all AFDC mothers, using quasi-judicial staff, having case tickler systems and computer interface with IV-A, and spending more funds per CSE case. These findings are particularly difficult to interpret. Further analyses will seek to identify possible explanations, but one potential reason for some of these unanticipated findings could be that these practices may have been put in place because of problems with the caseload. In these instances, and probably in others as well, the use of these practices may be a response to poor performance and not vice versa. It is also possible that some practices identified in the literature as exemplary, may actually make the paternity establishment process more cumbersome and less efficient. In terms of the finding about the negative effect of funds spent per case, we note that we were unable to determine what proportion of CSE funds was spent on paternity services. Thus we had to use a more general funding indicator, the child support budget divided by the child support caseload. However, agencies spending more on all their child support cases, may not spending more on their paternity cases.

There is considerable variation across counties in paternity establishment rates associated with demographic differences. These do not dissipate when program practices are factored in. Counties with large population size, high unemployment, and high population growth, especially

high population growth in the North, show poorer performance on paternity establishment rates than counties with fewer of these characteristics. On the other hand, counties with higher proportions of families in poverty show better performance levels, perhaps through the operation of the required AFDC referral to the Child Support Enforcement Program. As Congress and the Family Support Administration implement performance standards, demographic differences may lead to differentials in States' ability to attain their requisite goals.

A final issue is the need for data about the paternity caseload. Less than half of the programs surveyed were able to provide information about the size of the active paternity caseload. Very few kept separate program statistics about paternity cases. The growth of nonmarital children on AFDC and in the population in general suggests that more attention needs to be paid to tracking and serving this population by the Child Support Enforcement Program. An initial step is knowing how successful programs are in establishing paternity. But several critical policy questions remain unless the information systems become more sophisticated. What happens after paternity is established? What proportion of these cases have child support awards? What are the levels of these awards? Do these fathers pay child support? Do they participate more extensively in their children's lives? Are children better off? These questions need answers as the Child Support Enforcement Program deals with the growing numbers of nonmarital children.

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Innovative State Programs: Washington, Delaware, and Virginia

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PATERNITY ACKNOWLEDGMENT PROGRAM

WASHINGTON STATE
Office of Support Enforcement Program Summary - 1991

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INTRODUCTION

In Washington State nearly one out of every four children are born without a legally determined father. These children potentially lose needed child support and other financial benefits.

On July 23, 1989, Washington State law changed the way that unwed fathers are identified. Prior to the new law, The Office of Support Enforcement (OSE) referred all paternity establishment cases to the Prosecuting Attorneys or Attorneys General. The paternity order was often not established until one or more years after the child's birth. In many cases, no order was established because the mother did not cooperate or the father was not located.

Under the new law, a cooperative mother and father may sign an Affidavit of Paternity at the time of birth. Physicians, midwives, and hospitals are required to provide parents with the opportunity to sign the Affidavit. A signed and notarized Affidavit establishes a presumption of paternity. That means that the presumed father gains legal rights and responsibilities of fatherhood. He is added as the father to the birth certificate. He remains the presumed father unless he is later excluded by blood tests or a court order.

Based upon the presumption of paternity, the Office of Support Enforcement (OSE) may establish a child support obligation administratively. OSE no longer needs to refer these cases to the Prosecutors or Attorneys General.

More than two years have elapsed since the Paternity Acknowledgment Program began. This report answers the following fundamental questions:

(1) Are Washington State physicians, midwives, and hospitals:

- o providing opportunity for unmarried mothers and fathers to acknowledge paternity, and
- o forwarding the signed Affidavits to OSE within a reasonable timeframe?

(2) Is the Paternity Acknowledgment Program improving our service to children? In particular, is the program helping OSE establish a child support order within the minimum one year federal requirement?

PROGRAM HIGHLIGHTS

The highlights below provide some key program statistics and results. The body of this report amplifies these highlights.

- Washington State recorded 77,776 total births in the calendar year 1990. Approximately 24 percent (or 18,715) of those births were to unmarried parents.

- Physicians, midwives, and hospitals send signed Paternity Affidavits to the Center for Health Statistics, a Division within Washington State's Department of Health. Carbonless transfer copies of the Affidavits are sent to OSE. OSE received, on average, 644 copies of Affidavits per month during the period January through June, 1991. That compares favorably with an average 343 Affidavit copies received during the first six months of the program, July through December, 1989.

- OSE logs every copy of Affidavits received. Approximately one third of the Affidavit copies are matched with an OSE case when received. They are then forwarded to one of OSE's nine field offices. The remaining copies are filed. Field Offices may request an Affidavit copy when they later receive a public assistance referral or the custodian asks for OSE services.

- Seventy-two (72) percent or more of the Affidavit copies OSE receives are sent directly to us by the hospitals. Most of the rest are received from the Center for Health Statistics (CHS). Those Affidavits were either signed prior to July 23, 1989 (the program implementation date) or were sent to CHS by the parents.

- Seventy-Eight (78) out of 80 statewide hospitals which offer full maternity services are sending Affidavit copies to OSE. The two hospitals which have not sent Affidavits are small with few births.

- OSE receives the copy of hospital prepared Affidavits within a median time of 44 days after the child's date of birth. That is somewhat disturbing because last year's review showed a 36 day median time. Hospital staff turnover appears to contribute to the problem.

- In most cases, OSE field offices must attempt to serve a Notice and Finding of Parental Responsibility (NFPR) on the presumed father when they receive a copy of the Affidavit. They do not serve the notice if one of the parents is under 18 or the prosecuting attorney has already begun work on the case.

- When OSE serves a Notice and Finding of Parental Responsibility (NFPR) to establish a support obligation, the presumed father has 20 days to respond. If he does not respond or does not contest the amount of the support obligation, the notice becomes a default order. Three out of every four administrative notices served result in a default. That does not necessarily mean that fathers do not contact a Support Enforcement Officer (SEO). In fact, many fathers do. It does show that the fathers tended to accept the terms of the initial notice.

- Administrative procedures allow a presumed father to request blood tests or ask OSE to refer his case to the courts after he is served a notice. Less than 3 percent of fathers request blood tests. Less than 1 percent ask OSE to refer their case to the courts.

- On sample cases in which OSE successfully served the NFPR, we obtained a final resolution of the child support issue within a median time of 98 days from the child's date of birth. That means that **OSE may typically obtain a final support order in a little over 3 months after the child's birth.** That compares very favorably with the one year federal requirement.

- The Paternity Acknowledgment Program continues to receive national recognition from child support agencies nationwide and the federal government. Some states are incorporating all or parts of the program in their paternity processes.

OBTAINING THE AFFIDAVIT

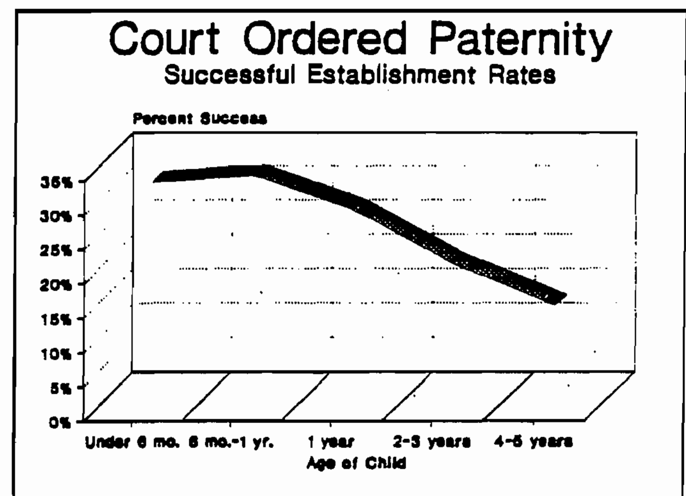
Problems with Prior Paternity Establishment Methods

In the calendar year 1990, Washington State recorded 77,776 total births. Approximately 24 percent of those births (18,715) were to unmarried parents. That means that nearly one out of every four children born in Washington State do not have a legally determined father.

Before OSE began the Paternity Acknowledgment Program we faced some significant problems in establishing paternity. In 1988, for example, the Washington State Commission for Efficiency and Accountability in Government found that when paternity establishment efforts are not successful, it is usually because of one of the following two reasons:

- o The alleged father is not located, or
- o The mother is unwilling to cooperate with establishment efforts.

The graph at right further illustrates that the chances of successful paternity establishment decline as the child grows older. For example, the courts have traditionally succeeded in establishing paternity in 32 percent of cases where the child is under six months old. That percentage decreases to 14 percent by the time the child reaches age 4.



New State Law

In 1989, OSE proposed a major change in state law designed to improve the paternity establishment process. The proposal resulted in new law effective July 23, 1989. Highlights of the new law are as follows:

- o Physicians, midwives, and hospitals must provide an opportunity for unmarried mothers and fathers to acknowledge paternity.
- o Physicians, midwives, and hospitals must provide written materials to the mother and father.

- Physicians, midwives, and hospitals must add the presumed father to the birth certificate within 10 days after the child is born.

- OSE must reimburse the physicians, midwives, or hospitals for each signed and notarized Affidavit.

- The signed Affidavit creates the presumption of paternity. Based upon that presumption, OSE may serve a Notice and Finding of Parental Responsibility (NFPR) upon the father. The notice tells the father the amount of his child support obligation and notifies him that he must provide medical insurance for his child if available through his employer.

- The father is given the right to an administrative hearing on the child support issue. He may also request blood tests. He may even ask OSE to refer his case to the courts.

Sources of the Affidavit

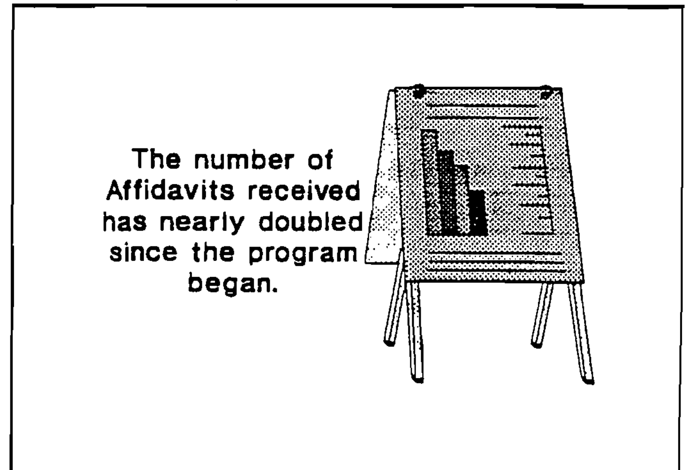
Approximately 98 percent of statewide births occur in one of 80 hospitals which provide full birthing services. OSE has received at least one signed Affidavit copy from 78 out of the 80 hospitals. Most other births occur at home with the assistance of a midwife. The Paternity Acknowledgment Program helps hospitals and midwives obtain a signed Affidavit from cooperative mothers and fathers at the time of birth.

The Affidavit has two carbonless transfer copies that may be easily removed. After the mother and father sign and the Affidavit is notarized, the hospitals and midwives send the original Affidavit to The Center for Health Statistics (CHS) within the Department of Health. They add the presumed father to the birth certificate if the Affidavit is signed within 10 days after the child's birth.

The hospitals and midwives send one of the copies to OSE along with an invoice. OSE reimburses them $20 for each signed and notarized copy received. They give the parents the other copy for their records.

Steady Increases in the Number of Affidavits Received

OSE continues to receive increased numbers of Affidavit copies. During the period January through June, 1991, OSE received an average **644 Affidavit copies per month.** That compares favorably with an average 543 Affidavit copies received during the calendar year 1990. It is nearly double the average 343 copies received during the first six months of the program, July, 1989 through December, 1989.



OSE receives most of the Affidavit copies directly from the hospitals. In these cases, the mother and father have usually signed the Affidavit within 10 days after the child is born. The hospital has added the father to the birth certificate, sent the original Affidavit to the Center for Health Statistics (CHS), and sent a copy to OSE. During the January through June, 1991 period, OSE received **72 percent** of the Affidavit copies directly from the hospitals.

Some parents do not immediately sign an Affidavit at the time of birth. Though the hospital or midwife provides the Affidavit and the required brochures, these parents choose to delay signing. **Twenty-one percent (21)** of the Affidavits received during the period January through June, 1991 were signed by the parents more than 10 days after the child's birth. Most likely the parents signed the Affidavit away from the hospital and sent it directly to CHS. CHS sent the copy to OSE.

OSE also receives an indirect program benefit. **Seven percent** of the Affidavits received during January through June, 1991 were for children born prior to July 23, 1989 (the program implementation date). We have no tangible evidence, but it appears that program publicity has encouraged these parents to sign the Affidavit. These parents sent the signed Affidavits directly to CHS. CHS, in turn, sent OSE the copies.

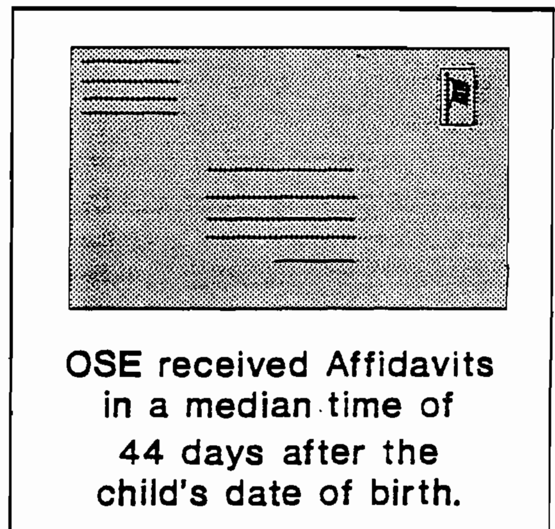
Training

OSE is gratified with the cooperation received from the hospitals and midwives. From the beginning of the program, we offered to provide training to hospital staff and midwives. So far, more than 50 of the hospitals have requested and received training. We also send the hospitals and midwives occasional progress reports and thank you letters.

Timeliness

OSE needs to receive copies of the signed Affidavits as soon as possible after the child's birth. We cannot serve an NFPR until we receive the Affidavit copy.

During the period January through June, 1991, OSE received the copies of hospital prepared Affidavits within a median time of **44 days after the child's date of birth.** The 44 day median is somewhat disturbing. A similar review held in 1990, showed that the hospitals sent us the copies within a median time of 36 days. Our 1991 results show an 8 day increase.



OSE received Affidavits in a median time of 44 days after the child's date of birth.

Staff turnover may potentially contribute to the problem. One large hospital, for example, called us in April 1991. Their medical records staff experienced a near 100% changeover in personnel. Prior staff did not adequately train new staff. As a result, they accumulated signed Affidavits during a six month period. The hospital has now sent us the copies of those Affidavits. We have provided in-service training for their staff. They will send us future copies weekly.

We must continue to help hospitals develop internal procedures which speed processing of the hospital prepared Affidavits. We can continue to provide them with in-service training, letters of encouragement, and regular progress reports.

Some Projections

The data from the January through June, 1991 study period is significant. It tells us that:

- OSE is currently receiving Affidavit copies at a rate of more than 7,700 per year [643 per month x 12].

- More than 7,100, or 93 percent of Affidavits received during the calendar year 1991 will be for children born after the program implementation date, July 23, 1989 [(72 percent plus 21 percent) x 7,700].

- OSE can anticipate that more than 19,000 children will be born to unmarried parents during the calendar year 1991 [Nominal 1.03 factor x 18,715 unmarried births in 1990].

- At current rates, at least 37 percent of all unmarried fathers are signing an Affidavit at birth or shortly thereafter [7,100/19,000].

ESTABLISHING A SUPPORT ORDER

Establishing Paternity

Prior to the Paternity Acknowledgment Program, OSE field offices referred all paternity cases to either the local Prosecuting Attorney or Attorney General. Typically, the Prosecutor or Attorney General managed all phases of the paternity establishment effort. Some of those efforts included locating the father, interviewing the mother, serving a Summons and Petition on the father, negotiating an Agreed Order for Support, and arguing the case in court if necessary.

The Paternity Acknowledgment Program changed the way many paternity cases are established in Washington State. A signed Affidavit creates the presumption of paternity. The presumed father is added to the birth certificate as the legal father.

OSE no longer needs to refer most cases in which the father has signed an Affidavit to the court system. In the following two situations OSE continues to refer the paternity case to the courts even when we have received the Affidavit copy. OSE does not proceed administratively.

- Minor parents (under age 18) have signed the Affidavit. The state wanted to assure the greatest possible protection for minor parents.
- A county prosecuting attorney or the Attorney General has already served the father with a Summons and Petition. OSE believes the child is better served by allowing the case to remain within the court system. In these cases, OSE sends the signed Affidavit copy to the prosecutor or Attorney General.

Establishing a Support Order

Affidavit copies are received in OSE's Central Intake Unit at our administrative headquarters. If OSE matches the Affidavit copy with an existing OSE case or determines that the mother is a public assistance recipient, we send the Affidavit copy to one of our nine statewide field offices.

OSE does not send all Affidavit copies to a field office immediately. Approximately 1/3 of the copies received are matched with an existing case and sent to one of our field offices. The remaining 2/3 are maintained in file drawers. When a mother later receives public assistance benefits or asks for OSE services, the field office requests the Affidavit copy from our Central Intake Unit.

Based on the presumption of paternity created when the father signs the Affidavit, the field office serves an NFPR on the father. That notice begins the process of establishing the support and medical insurance obligation.

Earlier in this report, we noted two primary hindrances to obtaining a paternity order through the court system:

- Failure to locate the father, and
- Failure of the mother to cooperate.

The Paternity Acknowledgment program helps OSE overcome those hindrances. OSE usually does not need to begin locate efforts because the father has given us his mailing address on the Affidavit. We also do not need to interview the mother or take blood tests.

Success Factors

To help determine how well the Paternity Acknowledgment Program is working, we reviewed 90 cases in which OSE staff had attempted to serve an NFPR. All of the Affidavits associated with these cases were received by OSE during the period February through March, 1991.

This report measures some critical success factors found in the review of those cases. These factors must compare favorably with alternative methods of establishing a paternity child support order. In particular, they must demonstrate that OSE can obtain a final support order through the administrative process within the one year federal requirement.

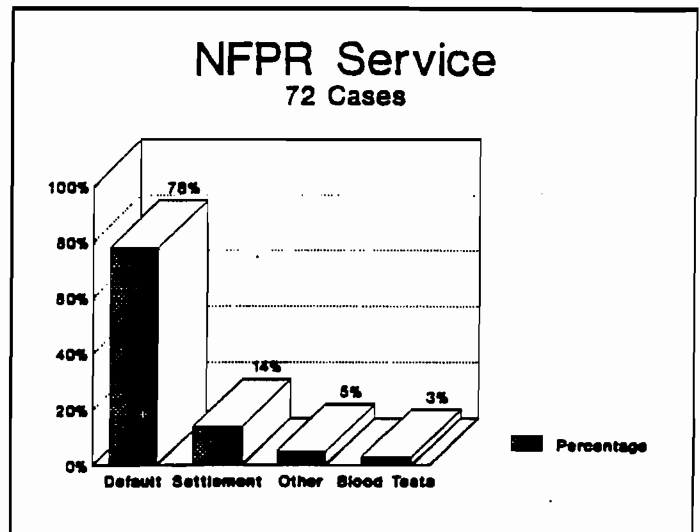
Obtaining Service

OSE successfully served the NFPR in 80 percent of the attempts (72 out of 90). OSE did not obtain successful service in 20 percent of the attempts (18 out of 90). The field offices are attempting locate efforts on those cases. It appears that some fathers are either intentionally stating an incorrect address on the Affidavit or they are changing addresses before OSE can serve the notice. The hospital does not need a correct address to add the father to the birth certificate.

Default Orders

When the presumed father is served with the NFPR, he is given several opportunities to discuss his case with an SEO. If he does not contact the officer, the amount of child support stated on the notice becomes an order within 20 days after service.

The graph at right depicts the status of the 72 NFPRs that were successfully served. The father defaulted on a surprisingly high 56 of those 72 NFPRs. That represents **78 percent** of the total NFPRs served. Last year's review showed that 62 percent of fathers defaulted.



A default does not necessarily imply that the father never contacted OSE. Many fathers did discuss the notice with a Support Enforcement Officer (SEO). The case comment screens showed several fathers who said they would either submit new income information or request a hearing. However, most of these fathers never followed through.

Agreed Settlements

OSE provides the father with several appeal rights. The father may, for example, request an administrative hearing to appeal the amount of the child support obligation. The hearing may not address the issue of parentage. Most hearing requests are settled through an Agreed Settlement or Consent Order before the hearing takes place. OSE either reached an Agreed Settlement or an Administrative Law Judge approved a Consent Order on 10 cases, or **14 percent** of the 72 NFPRs served.

Requests for Blood Tests

The father may also request blood tests. If he does, OSE will pay for the tests if he is excluded by the test results. If the father is not excluded, he must pay the costs of the test.

When OSE first implemented the Paternity Acknowledgment Program, we believed that several fathers would request blood tests after receiving the NFPR. We thought, for example, that some men who were not the natural father might sign the Affidavits. We reasoned that they might want to be "good guys" and help give the child a legal father.

So far, the Paternity Acknowledgment Program has proven our thinking wrong. In fact, only 2 fathers out of the 72 NFPRs served during the study period requested blood tests. One of those fathers was excluded by the test. OSE is awaiting the results on the other request. The two requests amount to less than **3 percent** of the total NFPRs served. In last year's review, no fathers requested blood tests.

Other Results

In two cases, OSE withdrew the notice after service because the SEO determined that the State paid no AFDC benefits on behalf of the child. In one case the field office was continuing negotiations for an Agreed Settlement. One case was awaiting the result of an Administrative Hearing. These four cases combined represent less than **5 percent** of the total NFPRs served in the sample.

Referrals to the Courts

The presumed father may, at any time in the process, also ask OSE to refer his case to the courts. If he does, OSE stops pursuing the child support obligation through our administrative system. We refer the case to the Prosecutor or Attorney General.

Initially, we thought several fathers would ask OSE to refer their case to the courts. We thought some would want to address visitation issues or that some would simply distrust the administrative process. The Paternity Acknowledgment Program again has proved us wrong. **No fathers requested a referral to the**

courts in the cases sampled. Similarly, no fathers requested a referral in last year's review. Only time will determine whether some fathers will later file court action to determine visitation or other issues.

Final Resolution

Ultimately, we must ask whether or not the Paternity Acknowledgment Program obtains a final resolution on child support quickly. Federal guidelines require that IV-D states obtain a child support order within one year after service of process. If the Paternity Acknowledgment Program can meet these requirements, then it makes good sense to use the administrative process.

This report stated earlier that OSE receives hospital prepared Affidavits within a median time of **44 days** after the child is born. OSE also must allow an additional **2 days** to send the Affidavit to a field office.

On cases in which OSE obtained service, we obtained a final resolution of the child support amount quickly. Field Offices settled the cases within a median time of **52 days** after State Office sent them the Affidavit. Allowing for all processes, that means that OSE obtained final resolution of the support amount within **98 days** after the child's date of birth on the sample cases.

SUN MON TUE WED THU FRI SAT

OSE obtained a support order "typically" within 98 days after the child's date of birth.

The 98 days compare very favorably with the minimum federal guidelines. The results are both surprising and commendable. The Paternity Acknowledgment Program has thrived well in its infancy. It is now time to enhance, refine, and nurture.

ATTACHMENT 1

RCW 70.58.080 Birth certificates—Filing—Establishing paternity—Surname of child. (1) Within ten days after the birth of any child, the attending physician, midwife, or his or her agent shall:

(a) Fill out a certificate of birth, giving all of the particulars required, including: (i) The mother's name and date of birth, and (ii) if the mother and father are married at the time of birth or the father has signed an acknowledgement of paternity, the father's name and date of birth; and

(b) File the certificate of birth together with the mother's and father's social security numbers with the local registrar of the district in which the birth occurred.

(2) The local registrar shall forward the birth certificate, any signed affidavit acknowledging paternity, and the mother's and father's social security numbers to the state office of vital statistics pursuant to RCW 70.58.030.

(3) The state office of vital statistics shall make available to the office of support enforcement the birth certificates, the mother's and father's social security numbers and paternity affidavits.

(4) Upon the birth of a child to an unmarried woman, the attending physician, midwife, or his or her agent shall:

(a) Provide an opportunity for the child's mother and natural father to complete an affidavit acknowledging paternity. The completed affidavit shall be filed with the local registrar. The affidavit shall contain or have attached:

(i) A sworn statement by the mother consenting to the assertion of paternity and stating that this is the only possible father;

(ii) A statement by the father that he is the natural father of the child;

(iii) Written information, furnished by the department of social and health services, explaining the implications of signing, including parental rights and responsibilities; and

(iv) The social security numbers of both parents.

(b) Provide written information, furnished by the department of social and health services, to the mother regarding the benefits of having her child's paternity established and of the availability of paternity establishment services, including a request for support enforcement services.

(5) The physician or midwife is entitled to reimbursement for reasonable costs, which the department shall establish by rule, when an affidavit acknowledging paternity is filed with the state office of vital statistics.

(6) If there is no attending physician or midwife, t[illegible] father or mother of the child, householder or owner [illegible] the premises, manager or superintendent of the public [illegible] private institution in which the birth occurred, shall n[illegible] tify the local registrar, within ten days after the birth, [illegible] the fact of the birth, and the local registrar shall secu[illegible] the necessary information and signature to make [illegible] proper certificate of birth.

(7) When an infant is found for whom no certifica[illegible] of birth is known to be on file, a birth certificate shall b[illegible] filed within the time and in the form prescribed by th[illegible] state board of health.

(8) When no putative father is named on a birth cer[illegible] tificate of a child born to an unwed mother the mothe[illegible] may give any surname she so desires to her child bu[illegible] shall designate in space provided for father's name o[illegible] the birth certificate "None Named". [1989 c 55 § 2[illegible] 1961 ex.s. c 5 § 8; 1951 c 106 § 6; 1907 c 83 § 12; RR[illegible] § 6029.]

ATTACHMENT 1

RCW 74.20A.056 **Notice and finding of financial responsibility pursuant to an affidavit of paternity——Procedure for contesting.** (1) If an alleged father has signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics, the office of support enforcement may serve a notice and finding of parental responsibility on him. Service of the notice shall be in the same manner as a summons in a civil action or by certified mail, return receipt requested. The notice shall have attached to it a copy of the affidavit and shall state that:

(a) The alleged father may file an application for an adjudicative proceeding at which he will be required to appear and show cause why the amount stated in the finding of financial responsibility as to support is incorrect and should not be ordered;

(b) An alleged father may request that a blood test be administered to determine whether such test would exclude him from being a natural parent and, if not excluded, may subsequently request that the office of support enforcement initiate an action in superior court to determine the existence of the parent–child relationship; and

(c) If the alleged father does not request that a blood test be administered or file an application for an adjudicative proceeding, the amount of support stated in the notice and finding of parental responsibility shall become final, subject only to a subsequent determination under RCW 26.26.060 that the parent–child relationship does not exist.

(2) An alleged father who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt, the amount of the current and future support obligation, and the reimbursement of the costs of blood tests if advanced by the department.

(3) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department. If no application is filed within twenty days:

(a) The amounts in the notice shall become final and the debt created therein shall be subject to collection action; and

(b) Any amounts so collected shall neither be refunded nor returned if the parent is later found not to be the father.

(4) An alleged father who denies being a responsible parent may request that a blood test be administered at any time. The request for testing shall be in writing and served on the office of support enforcement personally or by registered or certified mail. If a request for testing is made, the department shall arrange for the test and, pursuant to rules adopted by the department, may advance the cost of such testing. The department shall mail a copy of the test results by certified mail, return receipt requested, to the alleged father's last known address.

(5) If the test excludes the alleged father from being a natural parent, the office of support enforcement shall file a copy of the results with the state office of vital statistics and shall dismiss any pending administrative collection proceedings based upon the affidavit in issue. The state office of vital statistics shall remove the alleged father's name from the birth certificate.

(6) The alleged father may, within twenty days after the date of receipt of the test results, request the office of support enforcement to initiate an action under RCW 26.26.060 to determine the existence of the parent–child relationship. If the office of support enforcement initiates a superior court action at the request of the alleged father and the decision of the court is that the alleged father is a natural parent, the alleged father shall be liable for court costs incurred.

(7) If the alleged father does not request the office of support enforcement to initiate a superior court action, or if the alleged father fails to appear and cooperate with blood testing, the notice of parental responsibility shall become final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.060. [1989 c 55 § 3.]

Birth certificate——Establishing paternity: RCW 70.58.080.

ATTACHMENT 2

DEPARTMENT OF HEALTH
VITAL RECORDS
P.O. Box 9709, ET-11
Olympia, WA 98504-9709
(206 753-5936

PARENTAL INFORMATION and PATERNITY AFFIDAVIT

This is a legal document. Complete in ink and do not alter.

NAME OF CHILD - FIRST, MIDDLE, LAST		DATE OF BIRTH
CITY OF BIRTH	HOSPITAL	
NAME OF MOTHER - FIRST, MIDDLE, LAST (MAIDEN SURNAME)		MOTHER'S DATE OF BIRTH
MOTHER'S STATE OR COUNTRY OF BIRTH	MOTHER'S RACE	MOTHER'S SOCIAL SECURITY NUMBER
NAME OF HUSBAND (IF MOTHER MARRIED) - FIRST, MIDDLE, LAST		HUSBAND'S DATE OF BIRTH
HUSBAND'S STATE OR COUNTRY OF BIRTH	HUSBAND'S RACE	HUSBAND'S SOCIAL SECURITY NUMBER

ONLY POSSIBLE FATHER OF THE CHILD, IF NOT HUSBAND (Please Print Clearly)

NAME OF FATHER - FIRST, MIDDLE, LAST		FATHER'S DATE OF BIRTH	FATHER'S STATE OR COUNTRY OF BIRTH
FATHER'S SOCIAL SECURITY NUMBER	RACE	OCCUPATION	BUSINESS

IMPORTANT: ***After the original birth certificate has been sent to the registrar, the child's last name is not changed if this section is blank.***

CHILD'S NAME - FIRST, MIDDLE, LAST

BOTH PARENTS MUST SIGN BEFORE A NOTARY PUBLIC

B. We, the natural mother and natural father, declare under penalty of perjury under the laws of the state of Washington that the following statements are true and correct.

I certify that I am the natural mother. The above information is true and the man named above is the only possible father. I make this affidavit to name the natural father on my child's birth certificate and show a change of the child's name if noted above. During this pregnancy my marital status was:

☐ Single ☐ Married ☐ Divorced/Widowed

Date of divorce/death: ______

Mother's Signature ______

Address ______

______

Phone Number ______

State of Washington, County of ______

Signed and sworn to (or affirmed) before me on ______

by ______

______ (Signature of notary public)

L.S.

______ (Title)

My appointment expires ______

I certify that the above information is true. I make this affidavit to show that I am the natural father on my child's birth certificate and provide for a change of the child's name if noted above. I also understand that by acknowledging paternity of this child I accept an obligation to provide child support under the laws of the State of Washington.

Father's Signature ______

Address ______

______

Phone Number ______

State of Washington, County of ______

Signed and sworn to (or affirmed) before me on ______

by ______

______ (Signature of notary public)

L. S

______ (Title)

My appointment expires ______

Notary signature and seal must appear on this form in spaces marked L. S. Do not attach a separate notary statement.

DOH 01-001 (REV 7/89) *1 (FORMERLY DSHS 9-567) THIS FORM REPLACES ALL PREVIOUS AFFIDAVITS

VITAL RECORDS

ATTACHMENT 2

C. HUSBAND'S DENIAL OF PATERNITY. The husband completes all blanks and gives his current mailing address. If the husband/ex-husband is unwilling or unable to complete this denial and the divorce decree does not deny the husband's paternity, a court order is required to add the natural father to the child's birth certificate. The name of the husband is removed if Sections A and B are incomplete.

I, ______________________ (Full name of husband), am the husband/ex-husband of ______________________ (Full name of mother)

and I am not the natural father of ______________________ (Full name of child) born on ____________ (Date of birth)

in ______________ (City) ______________ (County) WASHINGTON. It is my wish not to have my name on the child's birth certificate as father. I hereby grant permission for the name of the natural father, ______________________ (Full name, if known) to be placed on the certificate.

I declare under penalty of perjury under the laws of the state of Washington that the above statement is true and correct.

Husband's Signature ______________________

Address ______________________

City, State, Zip ______________________

Phone Number ______________________

Signed and sworn to (or affirmed) before me on ______________

by ______________________

______________________ (Signature of notary public)

L. S.

______________________ (Title)

My appointment expires ____________

D. CHILD 18 YEARS OR OLDER. When the child is 18 years or older, we require the child's consent to add the natural father's name. Section A and B (and C if applicable) must be completed. A court order for legal name change is required to change child's last name

I, ______________________ (Full name of adult child), the child of ______________________ (Full name of mother)

and ______________________ (Full name of father), am 18 years of age or older and know that my birth certificate does not reflect my natural father's name. I consent to changing this certificate to add this information. I know that my last name cannot be changed without a court order.

I declare under penalty of perjury under the laws of the state of Washington that the above statement is true and correct.

Adult Child's Signature ______________________

Address ______________________

City, State, Zip ______________________

Phone Number ______________________

Signed and sworn to (or affirmed) before me on ______________

by ______________________

______________________ (Signature of notary public)

L. S.

______________________ (Title)

My appointment expires ____________

RCW 40.16.030. Offering false instrument for filing or record. Every person who shall knowingly procure or offer any false or forged instrument to be filed, registered or recorded in any public office, which instrument, if genuine, might be filed, registered or recorded in such office under any law of this state of the United States, shall be punished by imprisonment in the state penitentiary for not more than five years, or by a fine of not more than five thousand dollars, or by both.

Since the certificate will be amended, we recommend that the parent(s) request a certified copy of the record at the time this affidavit is filed. If there is a typographical error, we will correct it without charge if the certificate is returned within thirty days. After thirty days the file is sealed, under RCW 70.58.095 and requires a court order and a fee to open for review.

DOH 01-001 (REV 7/89) *1 (FORMERLY DSHS 9-667) THIS FORM REPLACES ALL PREVIOUS AFFIDAVITS

VITAL RECORDS

DELAWARE

PATERNITY ESTABLISHMENT

PILOT PROJECT

FEBRUARY 1992

DELAWARE HEALTH AND SOCIAL SERVICES

CHILD SUPPORT ENFORCEMENT

OFFICE OF THE DIRECTOR

DELAWARE PATERNITY ESTABLISHMENT PILOT PROJECT

OVERVIEW

BACKGROUND

The problem of welfare utilization in the United States is largely a problem of the non-support of children by their non-custodial parents. A child's right to support from its father is unenforceable until paternity is legally determined. Once paternity is legally established, a child born out of wedlock has the same right to support as one born to married parents. Our society recognizes maternal relationships of children born out of wedlock as legal; paternal relationships, however, are not recognized until the often cumbersome process of establishing paternity can be accomplished.

Child support enforcement programs understandably place high priority on establishing paternity. Recent federal legislation has put increasing pressure on states to firm up their practices and increase their effectiveness in accomplishing key outputs, such as paternity establishment. The Family Support Act of 1988 (P.L. 100-485) imposed additional requirements to encourage improved performance. Beginning October 1, 1991, states were expected to meet strict federal standards for the establishment of paternity. Of all non-marital children receiving services mandated under Title IV-D of the Social Security Act, the percentage of those for whom paternity has been established must be:

- at least 50%,
- at least equal to the average for all states, or
- exceed the State's rate for FY 1988 by 6 percentage points.

Some of the other provisions of the Family Support Act which affect paternity establishment are discussed below.

Case Processing Time Frames

Within no more than 90 days of locating the alleged father, a state must file for paternity establishment or complete service of process to establish paternity, or document unsuccessful attempts to serve process. Paternity must be established or the alleged father excluded by genetic testing or legal process or

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both, within one year of successful service of process or the child reaching 6 months of age, whichever is later. The state must meet the same time requirements whenever successive alleged fathers must be identified.

Genetic Testing

Upon the request of any party in a contested paternity case, all parties involved must submit to genetic testing. The federal government pays for 90% of all testing-related expenses. Testing laboratories are selected competitively. Costs may be recovered from certain individuals.

Interstate Processing

When more than one state is necessarily involved in a paternity case, explicit case processing time frames apply to the initiating and responding state. Long arm jurisdiction is used whenever appropriate to avoid the lengthy interstate processing network.

BENEFITS OF PATERNITY ESTABLISHMENT

There are numerous benefits of paternity establishment.

Financial Advantages

Primary responsibility to provide for the needs of their children is placed upon both parents, rather than the taxpayers.

Social Entitlement

Paternity establishment is an essential element of a child's eligibility for many public and private benefits stemming from the father-child relationship. These benefits include Social Security in the event of the father's death, disability or retirement during the child's minority; military allotments, health and educational benefits; and the right to seek recovery in wrongful death situations.

Emotional and Psychological Benefits

Establishing a father-child relationship fosters a sense of identity and self-esteem for the child and provides knowledge of the family heritage, ancestry, and cultural and religious ties. Paternity establishment is also pivotal in asserting custody and visitation rights.

Medical Interests

A variety of diseases, birth defects, and other disorders are genetically transmitted to children by their parents. These conditions may not be detected or prevented without knowledge of the family history.

THE CURRENT PROCESS OF ESTABLISHING PATERNITY IN DELAWARE

The Delaware Family Court obtains jurisdiction by having the alleged father served with a "new support" petition. The petition seeks to establish the legal duty to support, establish a support amount, and obtain health insurance. Paternity is inherent in the duty to support. After jurisdiction is obtained, a mediation hearing is scheduled to attempt to work out an agreement between the parties. If the alleged father admits paternity, he then signs a Stipulation of Paternity and a consent order is prepared. The case then moves on to collection status, where it will be monitored by the Division of Child Support Enforcement's automated system, DACSES, and brought to the attention of a worker if payments are not forthcoming as ordered.

If paternity is denied, blood testing is scheduled. If testing does not exclude the father but he still denies paternity, the matter is then escalated to a Family Court Master or Judge for adjudication. If the Court finds the father to be the natural father, a support order is then entered. If the alleged father is found not to be the natural father, the mother is asked to name another putative father and the process repeats.

PATERNITY ESTABLISHMENT PILOT PROJECT

The federal mandate to increase paternity establishments, coupled with Delaware's out of wedlock birth rate (see Attachment A), triggered Delaware Health and Social Services to look for an innovative approach to increasing its paternity establishment rate. The result was the development of a health-related paternity establishment project targeted at unwed mothers during the prenatal period. It is well documented that when the paternity establishment process is started early, before or immediately after birth, the probability of success is much greater than when paternity is addressed later as part of establishing a support order. There is less opportunity for the father to estrange himself from the child and less time for the mother to distance herself and the child from the father.

In a cooperative effort between Delaware Health and Social Services Divisions of Public Health (DPH) and Child Support Enforcement (DCSE), a pilot project was implemented at the Northeast State Service Center in Wilmington, on January 2,

1992. The project involves integrating the paternity establishment process into the education component of the comprehensive prenatal care program provided by DPH.

PROJECT GOALS

The project has two goals.

1. Increase paternity establishment for out of wedlock births.

2. Educate unwed mothers on the advantages of establishing paternity as soon the child is born.

PROJECT PROCEDURES

Late in the pregnancy, the DPH social worker counsels each unwed client, stressing the importance of knowledge of the father's biological background. Information about the paternity establishment project and DCSE child support services is provided and clients are encouraged to talk with the father about establishing paternity. The following steps take place.

1. A paternity information package is provided to each unwed client, containing the following material:
   - Project overview (Attachment B)
   - Child Support Services brochure (Attachment C)
   - Paternity Establishment brochure (Attachment D)

2. The social worker completes a referral form (Attachment E) which includes information on both the mother and father and indicates on the form whether the mother has agreed to participate in the project.

3. The referral form is sent to the DCSE Paternity Specialist who contacts the mothers who have agreed to participate.

4. After the baby is born, the mother and father will be interviewed by the DCSE Paternity Specialist. If the father agrees to acknowledge paternity voluntarily, the DCSE Paternity Specialist will review the Admission of Paternity form, explaining the father's rights (to a blood test, etc.) and the ramifications of signing the Admission. Both parents sign the Admission. The document will be notarized.

5. If the mother opts to file an application for child support services, DCSE will file a petition for determination of paternity/new support. The Admission of Paternity will be attached to the petition. The Delaware Family Court will accept the Admission as a rebuttable presumption of paternity.

6. If the mother does not file an application for child support services, the Admission will be kept on file for use if a paternity determination petition is filed in the future.

PROJECT EVALUATION

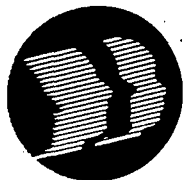
An evaluation of the project will be performed after one year. The evaluation will focus on whether the project met its goal of increasing the paternity establishment rate for out of wedlock births.

The referral form (Attachment E) will serve as the data collection instrument. All necessary information will be recorded on the form. Data will be collected and analyzed in-house. The following data will be collected:

-Number of persons interviewed by the DPH social worker.
-Number of people who agreed to participate.
-Reasons for non-participation.
-Number of referrals contacted by the DCSE Paternity Specialist.
-Number of referrals who applied for DCSE services.
-Number of alleged fathers who voluntarily signed the Admission of Paternity.
-Number of cases in the project with paternity establishment.

Data will be collected from January 2, 1992 through December 31, 1992. The final report summarizing the results is expected to be completed by June 1993.

If the project meets its objectives, it will be expanded to other pre-natal clinics statewide. When fully implemented, the initiative should reach at least an additional 250 women statewide.



DELAWARE HEALTH AND SOCIAL SERVICES
CHILD SUPPORT ENFORCEMENT

ATTACHMENT A

DELAWARE OUT OF WEDLOCK BIRTHS

STATISTICS

- 3,120 babies were born to single mothers in 1988. This represented 29% of the live births in Delaware that year.

- More than 27% of the births during the 5-year period from 1985 through 1989 were to single mothers.

- The 5-year average percentage of births to single mothers was nearly 73.1% for teenage mothers.

- The percentage of births to single mothers has increased over the last decade, with Delaware's percentage being consistently higher than the country as a whole.

- Delaware's 1984 to 1988 5-year average percentage of births to single mothers (26.4) was nearly 12.8% higher than the national percentage during the same time period (23.4).

SOURCE: Delaware Vital Statistics Annual Report, 1989, Delaware Health and Social Services

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DELAWARE HEALTH AND SOCIAL SERVICES

CHILD SUPPORT ENFORCEMENT

ATTACHMENT B

PATERNITY PROJECT OVERVIEW

There are many important reasons for establishing paternity for a child as soon after birth as possible. When the process of paternity establishment is started early the probability of success is much greater than if it is done later as part of establishing an order for child support.

This cooperative project between the Division of Child Support Enforcement and the Division of Public Health was developed to help parents understand the importance of establishing paternity and to offer assistance if they chose to do so. It provides the opportunity for parents to ensure that the child will have future medical, social and financial benefits that are dependent on knowledge of the identity of the father.

Paternity establishment for a child means that if he or she develops a serious illness information on the father's medical background may be obtained. This could be invaluable in identifying hereditary diseases and helping doctors in treating the child's illness. The social and emotional development of the child are often improved when both parents are known. As they grow, children need the sense of security that comes from this knowledge.

Paternity establishment is the first step in obtaining many financial benefits for the child. It is necessary to obtain child support and medical insurance from the father. It also gives the child future rights to benefits such as the father's social security, veteran's, and disability benefits, pensions and inheritance rights. Even if the father has agreed to voluntarily provide support, without establishing paternity many financial benefits will not be available to the child. Also, he is free to change his mind. He may discontinue child support at any time.

Participation in the Paternity Establishment Project is strictly voluntary. Mothers and fathers who chose to participate help to ensure a more secure life for their baby.

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How Cases Are Processed

Mediation

Cases are scheduled initially for mediation in Family Court. This is an informal meeting where the parties attempt to obtain mutual agreement. A Division support specialist will explain the mediation process to ensure that you fully understand your rights and options with respect to the child support process.

Hearings

If your case is not settled at mediation a hearing will be scheduled by the Family Court. At the hearing a Department of Justice Deputy Attorney General who is experienced in child support will prosecute the case on behalf of the Division. (Note: If an attorney becomes involved in a hearing, you may be charged a $50 service fee.)

Collection

All clients who apply for Basic Services are required to have payments made through the Division of Child Support Enforcement. When the obligor makes payment to the Division the payment is recorded and a check is normally mailed within one (1) working day to the custodial parent. By handling payments in this way the Division keeps an exact record of what payments were made and is able to use this information to enforce the support order.

Interstate Cases

If the obligor resides in another state, the Division will direct the child support agency in that state to act on your behalf.

Doc. No. 35-10-001-91-09-32

For More Information

For more information on the services of the Division of Child Support Enforcement call the Division office in your county.

Division of
Child Support Enforcement

Biggs Building
1901 N. DuPont Highway
New Castle, DE 19720
Telephone: (302) 421 - 8328

Other locations:

Kent County
1120 Carroll's Plaza
Dover, DE 19901
Telephone: (302) 739 - 4578

Sussex County
9 Academy Street
Georgetown, DE 19947
Telephone: (302) 856 - 5586

Delaware Health and Social Services

Thomas P. Eichler,
Secretary

Division of Child Support Enforcement

Barbara A. Paulin,
Director

Delaware's Small Wonders - Our Children -

Need Love and Child Support

A Guide To Child Support Services in Delaware

CHILD SUPPORT HELP IS AVAILABLE

Children have the right to receive financial support from both parents. The Division of Child Support Enforcement is the State agency responsible for helping custodial parents obtain child support.

In State Fiscal Year 1991 the Division assisted in the collection of over $26 million in child support.

The Division has a staff of caseworkers and accounting personnel who help custodial parents in establishing, modifying and enforcing orders and collecting child support payments. Their goal is to help families remain self-sufficient and to reduce dependency on public assistance.

Service to Individuals not on Public Assistance.

Division services are available to all persons living in the State of Delaware. Individuals who have never been on public assistance must file an application and pay a $25 application fee. All of the services described in this brochure are available to individuals not on public assistance. The Division does not provide services for custody-visitation or property settlement.

Services to Public Assistance Clients

Division services are automatically provided to individuals on public assistance when they receive an assistance grant. Up to $50 in child support collected each month goes to the custodial parent. The remaining amount goes to the State as reimbursement for welfare costs. In State Fiscal Year 1991 the Division reimbursed the State for over 21% of its public assistance costs.

Basic Services

Parents who need to establish a support order or who want to have an existing order enforced are provided a wide range of services including:

Establishment Services - To help obtain child support orders.

Wage Attachments - To automatically deduct child support payments from a parent's pay check.

Paternity Testing - Scientific tests to help a mother identify a child's father so the child can receive proper financial help from the father.

Modification - Orders will be reviewed for modification at the request of either party.

Parent Location - The Division provides this service when the location of the obligor is not known. The Division uses a variety of investigative resources and successfully locates the absent parent in 75% of the cases.

Medical Support - Where appropriate the Division will attempt to obtain medical insurance coverage for children.

Collections - All clients must have child support payments made through the Division. This provides automatic accounting of all child support payments.

Federal and State Income Tax Intercept Program - To obtain income tax refunds when a parent is delinquent with child support payments. (Note: An additional fee may be charged for this service.)

Special Services

These services are tailored to the needs of parents who have their own attorney or want to handle their own cases and are not interested in the full range of basic services. These services include:

Parent Location - When the location of the parent is unknown, the Division will seek to provide this information to the court.

Collection - The Division will collect and pass through payments for the client. This provides a complete accounting of what payments were made.

Fees

Services are provided to all eligible applicants. Low income individuals unable to pay fees may qualify for a waiver.

Basic Services

$25 Application Fee
This is a one time fee payable at the time of application.

$50 Service Fee
If a Department of Justice Deputy Attorney General is required to establish modify, or enforce a support order the[illegible] a $50 service fee may be charged. (Note a majority of cases are settled withou[illegible] the services of an attorney.)

$25 Federal Tax Refund Intercept
This fee will be charged if the intercep[illegible] is successful.

$25 State Tax Refund Intercept
This fee is charged if the intercept is successful.

Special Services

Clients receiving special services pay fees only for those services they request. No application fee is involved.

$15 Parent Location. For each request.

$15 Collection. Charged annually.

WHAT HAPPENS IF THE MOTHER IS ON AFDC?

The mother must cooperate with the Division of Child Support Enforcement to establish paternity. If paternity is established and a support order is obtained, the mother will receive the first $50 of child support collected each month, in addition to the AFDC payment. If the mother does not cooperate, she may lose all or part of the AFDC grant.

HOW LONG IS THE FATHER OBLIGATED TO SUPPORT HIS CHILD?

Having a child is a big responsibility. Both parents have an obligation to support the child until he or she is 18. If the child is in high school, the child must be supported until graduation or the 19th birthday, whichever occurs first.

HOW IS A PATERNITY ACTION STARTED?

In AFDC cases, the Division of Child Support Enforcement tries to establish paternity for all children born out of wedlock when the AFDC case is opened. The mother does not have to apply for services. In non-AFDC cases, the mother must complete an application form and pay a $25 fee to become a client of the Division. Paternity establishment services will be provided if the child was born out of wedlock or if the father denies paternity.

Division of Child Support Enforcement

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1901 N. DuPont Highway
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Delaware Health and Social Services

Thomas P. Eichler,
Secretary

Division of Child Support Enforcement

Barbara A. Paulin,
Director

ESTABLISHING PATERNITY

Delaware Health and Social Services

Division of Child Support Enforcement

The Division of Child Support Enforcement provides the services necessary to ensure that children receive adequate support. A primary function of the Division is to establish paternity when the identity of the father is in doubt. This is an important part of the process of obtaining a support order for the child.

WHAT IS PATERNITY?

Paternity means fatherhood. Paternity establishment is a court procedure to make the child's father the "legal" father. If the child's parents were married when the child was born, the husband is considered to be the legal father. If the parents were not married at the time the child was born, the court will enter an order establishing paternity.

WHY IS ESTABLISHING PATERNITY IMPORTANT?

Both parents bear the responsibility to support their child(ren). Establishing paternity is necessary to enable the child to obtain support and medical insurance from his or her father. Paternity also gives the child future rights to benefits such as the father's social security, veterans' benefits, disability, pension, or inheritance rights. The purpose of getting a paternity order is not to punish the father, but to have him share in the rights and responsibilities of parenthood. It is in the child's best interest to establish paternity. It is important to establish paternity even if the father is already voluntarily providing support. Without a paternity order, he is free to change his mind, deny paternity and stop support payments.

WHAT IF THE FATHER AGREES TO PATERNITY?

If both parents agree, a stipulation of paternity may be signed at the child support mediation hearing. The stipulation of paternity may be entered as an order of the court and will legally establish paternity.

WHAT IF HE DENIES HE IS THE FATHER OR IS NOT SURE?

If the mother identifies a man as the father and he denies it, the court will order blood tests. The court will schedule blood to be taken from the mother, child and the man.

ARE BLOOD TESTS ACCURATE?

Blood tests are nearly 100% accurate in proving whether a man is the father of a particular child. They can show that he is the father with a high degree of certainty. They can show conclusively if he is not the father.

WHO PAYS FOR BLOOD TESTS?

The State pays for the blood test. If the man is proven to be the father, he must reimburse the state for the cost of the blood test. If the blood test proves that he is not the father, the mother must reimburse the state. If the mother is on AFDC, she will not have to pay for the blood test.

WILL THERE BE A TRIAL?

Usually, a trial is not necessary. If the blood test does not exclude the man and he continues to deny paternity, a trial will be scheduled in Family Court. If there is a trial, a judge or master will decide whether he is the father.

WHAT QUESTIONS WILL BE ASKED IN COURT?

Questions about the relationship of the child's mother with the father and any relationship of the father with the child will be asked. If the father denies paternity, questions may be asked about sexual relationships of the mother when she became pregnant.

WHAT IF THE FATHER IS A MINOR?

He can still be named as the father of a child. The court may order him to submit to blood tests and to pay child support. The court probably will appoint a guardian ad litem, to look out for his interests.

CAN PATERNITY BE ESTABLISHED IF THE CHILD'S FATHER LIVES IN ANOTHER STATE?

Yes, depending on the circumstances, an action under URESA may be possible. (URESA is an agreement among states regulating child support.) In some cases, a paternity case can be heard in Delaware even if the father lives in another state.

WILL THE BIRTH CERTIFICATE BE CHANGED TO INCLUDE THE FATHER'S NAME?

Yes, after establishing paternity, Family Court will send the information to the Bureau of Vital Statistics. They will add the father's name to the birth certificate.

ATTACHMENT E

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Division of Child Support Enforcement

Paternity Establishment Project

Referral Form

Proj. Ref. #_______

Parents	MOTHER	FATHER
Name		
Address	______ ______ ______ ______	______ ______ ______ ______
Tel. #		
SSN		

Family on AFDC? _____ yes _____no.

Expected delivery date:________ DPH interview date:________

IV-D information packet explained by:____________________

Follow-up indicated for paternity establishment: _____ yes _____ no

Comments:____

____

____

____

____

____

____

RETURN TO: Eileen Brownlee, DCSE, Biggs Bldg., DHSS Campus, New Castle.

For DCSE Use Only

Date of Contact with Client: ________ ___ *personal interview* ___ *telephone*

Date of Contact with Father: ________ ___ *personal interview* ___ *telephone*

Is the family on AFDC with this child? ___ *yes* ___ *no*

Admission of Paternity signed: ___ *yes* ___ *no. If signed, date* __________.

Application completed for IV-D services: ___ *yes* ___ *no* *DACSES case #* ________

VIRGINIA'S INNOVATIVE PATERNITY INITIATIVES
1988 THROUGH 1991

Harry W. Wiggins, Director
Division of Child Support Enforcement
Virginia Department of Social Services

Revised 4/10/92

VIRGINIA'S INNOVATIVE PATERNITY INITIATIVES 1988 THROUGH 1991

During the last few years, Virginia has undertaken a more aggressive and progressive series of initiatives to help deal with the growing problem of births to unwed mothers. Most of these initiatives have been sought through State legislation and public-private partnership.

This paper provides the highlights of Virginia's legislation and Paternity Establishment Project (PEP), a public-private hospital based initiative.

Legislative Initiatives

A strong legislative base is essential for the effective operation of a Child Support Enforcement Program. Since 1988, a series of Bills have been introduced and passed by the General Assembly of Virginia. The most progressive laws were effective in 1990. A summary is as follows:

1988

- Courts can proceed with paternity hearings if the alleged father does not appear, if he was personally served, thus allowing default paternity establishment.
- Courts can proceed with paternity hearings and establish support obligations on males, ages 14 to 18, when a guardian ad litem represents their interests in court.
- Courts can require a man who is before the court for other issues, and who voluntarily admits paternity of a child under oath, to sign an Acknowledgement of Paternity form and file it with the Department of Social Services' Division of Child Support Enforcement.
- A new version of the Uniform Parentage Act was passed and old paternity sections were repealed.

1989

- Courts were required to order the parties in a paternity case to submit to blood testing at the request of either party or on its own motion. (This was required by the Family Support Act of 1988.)

1990

- Voluntary acknowledgements of paternity made under oath were given the same force and effect as a court order.

- Blood test results of 98% or greater establish legal paternity and have the same legal effect as a court order.
- Alleged fathers can be assigned a portion of the mother's medical expenses for pregnancy related costs from the date the alleged father becomes the legal father.

Regarding the voluntary acknowledgement of paternity process:

- Virginia uses the same form (Declaration of Paternity) used by the State Department of Health to reduce duplication and confusion.
- When the Division of Child Support Enforcement staff work with an alleged father, a Paternity Rights and Responsibilities statement is explained to the alleged father which advises him of the importance of understanding what is involved in acknowledging paternity or submitting to voluntary blood testing.
- A Paternity Certification form was developed to advise the alleged father of blood test results when he voluntarily submitted to have blood testing through the Division of Child Support Enforcement.

  NOTE: Virginia only uses DNA testing and has for the past three years.

<u>Paternity Establishment Project (PEP)</u>

With the passage of legislation allowing the voluntary acknowledgement of paternity to carry the same force and effect as a court order, new avenues of paternity establishment were opened.

Contact was made with the Virginia Hospital Association soon after the General Assembly passed the legislation. The Division of Child Support Enforcement (DCSE) wanted to make the Virginia Hospital Association more aware of the number of unwed births and solicit their support and active endorsement of a hospital-based paternity establishment project in the state's hospitals with the largest numbers of births to unwed mothers.

The Virginia Hospital Association was very supportive and assisted in arranging the meeting between DCSE and Sentara Norfolk General Hospital as well as running an article in their statewide newsletter and helping to arrange a press conference to announce the "PEP" Pilot in Norfolk. The President of the Virginia Hospital Association actually participated in the press conference.

"PEP" is simple in concept, but requires a real commitment on the part of the hospital.

1. Unwed mothers are approached by the birth records clerk to determine if they are interested in establishing the paternity of their child before they are discharged from the hospital. If so, they are given "PEP" folders to read and share with the alleged father. If not interested, nothing further happens.

2. If the alleged father and the mother both agree to complete and sign under oath that they are the parents of the infant, a notary public will notarize the Declaration of Paternity form and give a copy to the mother and a copy to the father. The original goes to the Vital Records Division at the State Department of Health to be recorded as part of the original birth record. A copy of this form is also sent to the Division of Child Support Enforcement for billing and statistical functions.

3. For each fully completed Declaration of Paternity, a fee of $10 to $20 is paid to the hospital to help defray some of the administrative costs. There must be a strong commitment on the part of hospital, as these small fees may not fully cover all of the staff time.

4. The Division believes that on an average, it costs $450 to establish paternity (Administrative time plus blood testing costs). With a $10 fee, the cost is dramatically reduced, saving approximately $440/paternity established.

5. There are currently eight hospitals actively involved in "PEP".

	Began	Paternities Established Thru 2/92
Sentara Norfolk General	9/90	274
Virginia Baptist Hospital	4/91	141
Loudoun Health Care, Inc.	8/91	15
HCA Reston Hospital	8/91	10
Prince William Hospital	10/91	20
Potomac Hospital	11/91	19
Medical College of Virginia	12/91	168
Chippenham Medical Center	2/92	1
Total Through	2/92	648

$440 x 648 = $285,120 savings

6. The Division is working to bring on other hospitals and has already a signed contract with one additional hospital and is negotiating with four more.

7. We promote the idea that everyone benefits from "PEP".

   o The child gets a legal father and knows more about his medical history as well as his heritage.

   o The mother has the legal father of the child to pursue in the future for support, as needed.

   o The hospital has another very valuable service to offer its patients and also stands to gain a higher reimbursement for future medical expenses if the father, through private insurance, can be responsible for the bill, rather than Medicaid.

   o The Division, the State and Federal government will save thousands of dollars (and potentially millions) if this expands to a majority of maternity hospitals by having the paternity established by the hospitals. As taxpayers, we all save money.

<u>Conclusion</u>

You have heard what Virginia is doing in the area of paternity. It is a start, but obviously all of our activities occur <u>after</u> the out-of-wedlock birth. Since over 25% of all of Virginia's live births are to unwed mothers, social agencies as well as schools and health resources are sorely tested.

The tide of out-of-wedlock births is rising. No legislation yet introduced and no pilot paternity establishment project can make right what has already happened... thousands of babies born to single-parent households where poverty is all that the child and his mother will ever know.

Child Support Enforcement agencies as well as others must do all we can to help children get the support to which they are entitled from <u>both</u> their parents.

PATERNITY ESTABLISHMENT PROJECT

What is it?	The Paternity Establishment Project (PEP) is a joint project with the Department of Social Services' Division of Child Support Enforcement and this hospital to assist unwed mothers in having paternity established for their children.
How does it work?	The mother and the child's father can sign a sworn "Declaration of Paternity" form and legally establish the father of that child. It's that simple. The child's birth certificate will show the name of the father.
Where do I go to have this done?	This is a service of this hospital. It can be done while you're here and takes only a few minutes.
How much does it cost?	Nothing! And that's important as you face the expense of a new baby.
How do I get more information?	Ask your nurse or the person who handles the birth certificate information.
Can I also apply for Child Support Enforcement services?	Yes. Applications for child support enforcement services, provided by the Division of Child Support Enforcement, are also available. There is no cost for these services either!

DISTRICT OFFICE GUIDE TO ESTABLISHING A PATERNITY ESTABLISHMENT PROJECT

What is PEP?

PEP is a hospital-based Paternity Establishment Program whereby unmarried couples are given the opportunity to voluntarily acknowledge the paternity of a child shortly after the child's birth.

How does it work?

The Declaration of Paternity form (032-11-VS22) is signed by the mother and father in the presence of a notary on the hospital's staff. DCSE's copy is sent to the central office, which remits a fee to the hospital for each completed acknowledgment. The suggested fee is $10, but payment of up to a maximum of $20 may be negotiated.

Are only a few hospitals allowed to have PEP?

Any hospital, clinic, or health care provider that is licensed by the state to provide maternity services can become a participant in PEP by signing an agreement with DCSE.

Why should hospitals participate in PEP?

Hospitals and other health care providers have a direct financial interest. Once paternity is established, the child can be enrolled in a policy of health care coverage if it is available through the father's employment. Hospitals receive higher payments from private health care carriers than they do from Medicaid.

An intangible, but very real benefit to the hospital, is the favorable publicity that is generated by press releases and posters that inform the public of the hospital's participation in this "public-private partnership" to help children and reduce welfare dependency.

How do they get PEP?

Hospitals get PEP from you, the regional and district office representatives, who inform hospital administrators in your respective areas about PEP and invite them to participate.

Many hospital administrators have heard or read about PEP through the Virginia Hospital Association newsletter. They now need a personal contact from you giving them specific information and assistance to enable them to become partners in PEP.

<u>How should the hospital be approached?</u>

First, get the name and telephone number of the hospital administrator. When you call to make an appointment to discuss PEP, ask him or her to include in the meeting key staff persons who are involved in completing the paperwork that is required for all births. Our goal is to fit PEP into the existing work flow in such a way as to minimize any inconvenience or extra work. If those who actually complete the forms are involved from the beginning, their cooperation, which is essential to the success of the program, is assured.

<u>What are some specific facts we can give?</u>

Health Department statistics show that in 1989 a total of 94,092 live births were reported in Virginia. Of these, 24,221 (25.74 percent) were to unwed mothers. Many of these unwed mothers are unable to support their children by themselves; dependence on Medicaid and welfare is usually the only alternative.

<u>What are some points to stress?</u>

In addition to financial support, a child is entitled to health coverage benefits if a policy is available to the RP at reasonable cost, meaning through his employment. This provides an alternative to Medicaid, which is often the only payment source available for unwed mothers.

Medicaid is by law the payor of last resort. Consequently, payments for services from Medicaid are often lower than those from private insurers. Additionally, Medicaid is funded by taxes that are paid by individuals and businesses, including hospitals. By participating in PEP, hospitals can contribute to reducing Medicaid costs while at the same time increasing their own revenues.

Paternity establishment is more than just saving money. If a child develops a serious illness, doctors may need information on the child's family background; early paternity establishment can be invaluable in helping identify hereditary diseases.

Keep in mind also that hospitals are continually approached by various groups and organizations asking for free services. We, on the other hand, are offering to pay them a fee for participating in a program that provides benefits not only to their patients but to themselves as well.

What are the hospital's responsibilities?

When a hospital enrolls in PEP, its duties and responsibilities, as well as those of DCSE, are spelled out in a contract. A sample contract is included with the attachments to this guide. A summary of the hospital's duties follows:

1. To provide each interested unwed mother an information packet containing the following materials:

   a. Paternity Booklets;

   b. Overview of the Paternity Establishment Project;

   c. Declaration of Paternity form;

   d. Child support enforcement services booklet;

   e. Application for DCSE services;

   f. Copy of DCSE's list of offices and the areas they cover.

2. The hospital furnishes, at no cost to DCSE, a Notary Public who will notarize the signatures of both the father and the mother on the Declaration of Paternity form.

3. The hospital assists each parent in completing a Declaration of Paternity form and ascertains that each form is properly completed and notarized. It gives each parent a copy of the completed, notarized form, sends DCSE's copy to the central office, and sends the original to the Division of Vital Records (DVR).

(Note: The mother is not required to have the PF's surname recorded as the child's last name. She may elect to have her own surname or the PF's surname listed for the child.)

4. Although a copy of the Application for DCSE Services is included in the information package that is given to interested unwed mothers, the hospital is not responsible for the completion of this form. However, if a patient completes an application, the hospital will forward it to central office along with the completed Declaration of Paternity form. The hospital may also direct any interested applicant to call the toll free central office customer services number.

5. The PF's signature is not to be obtained in the following situations: the PF is a minor; adoption plans are being made; and when there is a legal as well as a putative father.

6. The hospital forwards to central office by the fifth working day of each month, the following documents:

a. DCSE's copies of completed Declaration of Paternity forms;
b. All completed applications for DCSE services;
c. All partially completed Declaration of Paternity forms;
d. A cover letter summarizing the names of each parent of a child a Declaration of Paternity form is submitted for, and the mother's city or county of residence in Virginia.

What's the role of the central office?

1. The central office acts as a clearinghouse to receive DCSE's copies of the Declaration of Paternity forms and applications for DCSE services from the hospital. They are then forwarded to the appropriate district offices after they are checked to determine if the mother is a IV-A or IV-D client.

2. Central office remits a monthly check to the hospital for each completed Declaration of Paternity form submitted for the preceding month.

3. Central office also has the responsibility of approving the PEP contracts that are signed by hospitals and DCSE.

4. Central office provides posters, the information packages that are given to interested unwed mothers, training and information to regional and district office personnel, and other support and materials as may be needed.

5. Central office provides technical assistance to the regional and district offices in the project. It also is the point of contact with the Department of Health's Division of Vital Records.

What's the role of the regional office?

1. The regional office is the primary point of contact between the hospital and DCSE. The regional administrator, or his/her designated representative, is the person who meets with hospital personnel and tells them about PEP along with the central office PEP coordinator.

2. Each regional office must advise the Policy Section Chief of any hospitals with which it plans to negotiate.

3. After the contracts are signed, (two original contracts are needed) they must be forwarded to the Policy Section Chief. The contracts manager will be given both original copies after a copy is made.

4. The regional and/or district office provides training and technical assistance to any of the hospital's staff members who require information about the program.

5. Each regional and/or district office must have a single designated PEP coordinator. The coordinator is the hospital's contact person for all activities related to PEP. The PEP coordinator's duties include responding to requests for information, assistance, or supplies as needed by the hospital.

DECLARATION OF PATERNITY
(32.1-261 or 32.1-269, Code of Virginia)

Virginia Department of Health
Division of Vital Records
James Madison Building. P.O. Box 1000
Richmond, Virginia 23208-1000

We, ______________________ and ______________________,
(Name of Father) (Name of Mother)

being first duly sworn acknowledge that ______________________
(Full Name of Father)

is the natural father of ______________________, a ________ child born
(Name of child as shown on Certificate of Birth) (Sex)

on ______________________, at ______________________, Virginia, to
(Date of Birth) (Place of Birth)

______________________. Certificate Number ______________________
(Maiden name of mother) (If known)

We request that the State Registrar of Vital Records prepare a new birth certificate or amend the existing birth certificate for the above child showing the child's name to be ______________________
and showing full information concerning the father as provided by law and regulation. To this end, the following information concerning the father *at the time of the child's birth* is furnished.

Color or race of Father ________ Birthplace of Father ________ Date of Birth of Father ________

Education of Father—specify highest grade completed — elementary 0, 1, 2 or 8 ____ high school 1, 2, 3 or 4 ____ college 1 to 4 or 5+ ____

Occupation of Father ______________________ Kind of Business ______________________

Place of Marriage ______________________ (City or Town) Date of Marriage ______________________

Signature of Father ______________________ Signature of Mother ______________________

Address of Father ______________________ (Street or Route Number)
______________________ (City or Town) (State)

Address of Mother ______________________ (Street or Route Number)
______________________ (City or Town) (State)

NOTARY:
Subscribed and sworn before me
on ______________________
(Date)

NOTARY'S SIGNATURE ______________________

NOTARY'S ADDRESS ______________________

My commission expires ______________________

NOTARY:
Subscribed and sworn before me
on ______________________
(Date)

NOTARY'S SIGNATURE ______________________

NOTARY'S ADDRESS ______________________

My commission expires ______________________

Forward this affidavit with a certified copy of your marriage record and fee for a certified copy of the birth certificate to the Virginia Department of Health, Division of Vital Records, P.O. Box 1000, Richmond, Virginia 23208-1000.

The fee for a certified copy of a vital record is $5.00 per copy. Checks or money orders should be made payable to State Health Department.

032-11-VS22 1/86

TITLE 20
DOMESTIC RELATIONS

CHAPTER 3.1: PROCEEDINGS TO DETERMINE PARENTAGE

§20-49.1.	How parent and child relationship established
§20-49.2.	Commencement of action; parties; jurisdiction
§20-49.3.	Admission of blood grouping tests
§20-49.4.	Evidence relating to parentage
§20-49.5.	Support of children of unwed parents by the father; testimony under oath
§20-49.7	Civil actions
§20-49.8	Judgment or order

§ 20-49.1. How parent and child relationship established.--A. The parent and child relationship between a child and a woman may be established prima facie by proof of her having given birth to the child, or as otherwise provided in this chapter.

B. The parent and child relationship between a child and a man may be established by a written statement of the father and mother made under oath acknowledging paternity or subsequent genetic blood testing which affirms at least a 98 percent probability of paternity. Such statement or blood test result shall have the same legal effect as a judgment entered pursuant to § 20-49.8. In the absence of such acknowledgment or if the probability of paternity is less than 98 percent, such relationship may be established as otherwise provided in this chapter. Written acknowledgments of paternity made under oath by the father and mother prior to July 1, 1990, shall have the same legal effect as a judgment entered pursuant to § 20-49.8.

C. The parent and child relationship between a child and an adoptive parent may be established by proof of lawful adoption.

(1988, cc. 866, 878; 1990, c. 836.)

§ 20-49.2. Commencement of action; parties; jurisdiction.--Proceedings under this chapter may be instituted upon petition, verified by oath or affirmation, filed by a child, a parent, a person claiming parentage, a person standing in loco parentis to the child or having legal custody of the child or a representative of the Department of Social Services or the Department of Youth and Family Services.

The child may be made a party to the action, and if he is a minor and is made a party, he shall be represented by a guardian ad litem appointed by the court in accordance with the procedures specified in § 16.1-266 or § 8.01-9. The child's mother or father may not represent

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the child as guardian or otherwise. The determination of the court under the provisions of this chapter shall not be binding on any person who is not a party.

The circuit courts and the juvenile and domestic relations district courts shall have concurrent original jurisdiction of cases arising under this chapter. The determination of parentage, when raised in any proceeding, shall be governed by this chapter.

(1988, cc. 866, 878; 1989, c. 368.)

§ 20-49.3. Admission of blood grouping tests.--A. In the trial of any matter in any court in which the question of parentage arises, the court, upon its own motion or upon motion of either party, may and, in cases in which child support is in issue, shall direct and order that the alleged parents and the child submit to medically reliable genetic blood grouping tests.

B. The court shall require the person requesting such blood grouping test to pay the cost. However, if such person is indigent, the Commonwealth shall pay for the test. The court may, in its discretion, assess the costs of the blood-grouping test to the party or parties determined to be the parent or parents.

C. The results of a medically reliable genetic blood grouping test may be admitted in evidence when contained in a written report prepared and sworn to by a duly qualified expert, provided the written results are filed with the clerk of the court hearing the case at least fifteen days prior to the hearing or trial. Verified documentary evidence of the chain of custody of the blood specimens is competent evidence to establish the chain of custody. Any qualified expert performing such test outside the Commonwealth shall consent to service of process through the Secretary of the Commonwealth by filing with the clerk of the court the written results. Upon motion of any party in interest, the court may require the person making the analysis to appear as a witness and be subject to cross-examination, provided that the motion is made at least seven days prior to the hearing or trial. The court may require the person making the motion to pay into court the anticipated costs and fees of the witness or adequate security for such costs and fees.

(1988, cc. 866, 878; 1989, c. 598.)

§ 20-49.4. Evidence relating to parentage.--The standard of proof in any action to establish parentage shall be by clear and convincing evidence. All relevant evidence on the issue of paternity shall be admissible. Such evidence may include, but shall not be limited to, the following:

1. Evidence of open cohabitation or sexual intercourse between the known parent and the alleged parent at the probable time of conception;

2. Medical or anthropological evidence relating to the alleged parentage of the child based on tests performed by experts. If a person has been identified by the mother as the putative father of the child, the court may, and upon request of a party shall, require the child, the known parent, and the alleged parent to submit to appropriate tests;

3. The results of medically reliable genetic blood grouping tests, if available, weighted with all the evidence;

4. Evidence of the alleged parent consenting to or acknowledging, by a general course of conduct, the common use of such parent's surname by the child;

5. Evidence of the alleged parent claiming the child as his child on any statement, tax return or other document filed by him with any state, local or federal government or any agency thereof;

6. A true copy of an acknowledgment pursuant to § 20-49.5; and

7. An admission by a male between the ages of fourteen and eighteen pursuant to § 20-49.6.

(1988, cc. 866, 878.)

§ 20-49.5. Support of children of unwed parents by the father; testimony under oath.--Whenever in any legal proceedings a man voluntarily testifies under oath or affirmation that he is the father of a child whose parents are not married, or are not married to each other, the court may require that he complete an acknowledgment of paternity on a form provided by the Department of Social Services. This acknowledgment shall be sent by the clerk of the court within thirty days of completion to the Department of Social Services.

In any proceeding under this chapter, the petitioner may request a true copy of this form from the Department of Social Services and the Department shall remit such form to the court where the petition has been filed. Such true copy of an acknowledgment of paternity shall then be admissible in any proceeding under this chapter.

(1988, cc. 866, 878.)

§ 20-49.6. Proceedings to establish paternity or enforce support obligations of males between the ages of fourteen and eighteen.--In any proceeding to establish or enforce an obligation for support and maintenance of a child of unwed parents, a male between the ages of fourteen and eighteen who is represented by a guardian ad litem pursuant to § 8.01-9 and who has not otherwise been emancipated shall not be deemed to be under a disability as provided in § 8.01-2. The court may enter an order establishing the paternity of the child based upon an admission of paternity by such male made under oath before the court or upon such other evidence as may be sufficient in law to support a finding of paternity. The order may provide for support and maintenance of the child by the father and shall be enforceable as if the father were an adult.

(1988, cc. 866, 878.)

§ 20-49.7. Civil actions.--An action brought under this chapter is a civil action. The natural parent and the alleged parent are competent to testify. Testimony of a physician concerning the medical circumstances of the pregnancy and the condition and characteristics of the child upon birth shall not be privileged.

(1988, cc. 866, 878.)

§ 20-49.8. Judgment or order.--A judgment or order establishing parentage may include any provision directed against the appropriate party to the proceeding, concerning the duty of support, including an equitable apportionment of the expenses incurred on behalf of the child from the date notice of the proceeding under this chapter was given to the alleged parent, which may be in favor of the natural

parent or any other person or agency who incurred such expenses. The judgment or order may also include provisions for the custody and guardianship of the child, visitation privileges with the child, or any other matter in the best interest of the child. In circumstances where the parent is outside the jurisdiction of the court, the court may enter a further order requiring the furnishing of bond or other security for the payment required by the judgment or order. The judgment or order may direct either party to pay the reasonable and necessary unpaid expenses of the mother's pregnancy and delivery or equitably apportion the unpaid expenses between the parties. However, when the Commonwealth, through the Medicaid program, has paid such expenses, the court may order reimbursement to the Commonwealth for such expenses.

For each court determination of parentage made under the provisions of this chapter, a certified copy of the order or judgment shall be transmitted to the State Registrar of Vital Records by the clerk of the court within thirty days after the order becomes final. Such order shall set forth the full name and date and place of birth of the person whose parentage has been determined, the full names of both parents, including the maiden name, if any, of the mother and the name and address of an informant who can furnish the information necessary to complete a new birth record. When the State Registrar receives a copy of a judgment or order for a person born outside of this Commonwealth, such order shall be forwarded to the appropriate registration authority in the state of birth or the appropriate federal agency.

(1988, cc. 866, 878; 1990, c. 615.)

CHAPTER 4.1: SUPPORT

§20-60.1.	Applicability of chapter
§20-60.2.	Admissibility and identification of support payment records
§20-60.3.	Contents of support orders
§20-60.4.	Abstracts of orders, etc.; clerk shall transmit information regarding an order of support which is entered or modified to Department of Social Services
§20-60.5.	Support payment provision; how paid

§ 20-60.1. Applicability of chapter.--The provisions of this chapter shall apply to and govern all cases arising under Title 16.1 and this title in which child or spousal support is at issue in any court of the Commonwealth, unless specifically excepted.

(1985, c. 488.)

§ 20-60.2. Admissibility and identification of support payment records.--Copies of support payment records maintained by the Department of Social Services, when certified over the signature of a designated employee of such entity, shall be considered to be satisfactorily identified and shall be admitted in any proceeding as prima facie evidence of such transactions. Additional proof of the official character of the person certifying such record or the authenticity of his signature shall not be required. Whenever an