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# NAPA COUNTY HEALTH AND HUMAN SERVICES AGENCY

## Self Sufficiency Services Division

### POLICY AND PROCEDURE:

**Paternity Opportunity Program**

### REVIEW FREQUENCY:

Every two years

**POLICY # 2000601-6002-18**

### DISTRIBUTION:

- Employment Services     Eligibility
- Quality Mgmt

**EFFECTIVE DATE: 06/01/97**

**ORIGINAL DATE OF ISSUE: 06/01/97**

**LAST REVISION DATE: 12/28/18**

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### POLICY STATEMENT:

It is the policy of Napa County Health & Human Services Agency to explain the benefits of filing a declaration of paternity to unmarried parents applying for CalWORKs or Medi-Cal. Signing the declaration of paternity helps the father gain legal rights as a child's father and legally establishes a parent-child relationship between father and child. This allows the child to be added to the father's health insurance plan, protects the child's right to inherit from his father, and ensures that the father's social security or veteran's benefits are paid to the child (if eligible) in case of death or disability of the father. It is also the policy of Napa County Health and Human Services Agency, Self Sufficiency Services Division to refer to Child Support Services (CSS) cases of unmarried parents when no paternity declaration is obtained.

### ADMINISTRATION:

- Eligibility Worker (EW)
- Eligibility Supervisor (ES)

## DEFINITIONS:

**Intact Family-** A family in which both parents of a child are living in the home. These families are not referred to Child Support Services if there is a signed Paternity Declaration on file and the CWD has verification.

## END OF POLICY

## PROCEDURE

1. **Overview-** Federal Welfare Reform (H.R. 3734) mandated all states to adopt procedures that require unmarried parents to sign a declaration of paternity (CS 909) in order to have the father's name included on the birth certificate. AB 1832 established those procedures in California, effective January 1, 1997, and made paternity declaration an integral part of the birth registration process.
  - a. Declaration of Paternity-- The signing of the CS 909 establishes paternity once it has been filed with the state Office of Vital Records (OVR) or Department of Child Support Services (DCSS) and is considered to carry the same weight as a court judgment of paternity.
  - b. Staff witnessing the signing of the form is responsible for filing it with the OVR/DCSS.
  - c. Only unmarried women are allowed to sign a Declaration of Paternity. This is because the law creates a presumption that when a woman is married, her husband is the father of the child.
  
2. **Applicability-** All assistance units (AUs) are subject to the provisions of the Child Support Enforcement Program and the requirements of section 82-504 except those in which:
  - a. Both married parents (natural or adoptive) of the child for whom aid is requested or received reside in the home, or
  - b. One or both of the natural or adoptive parents are deceased, or
  - c. Both unmarried parents are living in the home and paternity has been legally established
  
3. **Paternity Opportunity Program (POP) Guidelines--**Entities participating in the POP process include hospitals, prenatal clinics, local vital statistics offices, Local Child Support Agencies (LCSA), courts, and County Welfare Departments (CWDs). If the birth occurred before January 1, 1997, a paternity declaration is not required in order for the father's name to appear on the birth certificate.
  - a. The Eligibility Worker (EW) can witness the signatures on the CS 909 and submit the form to the DCSS POP Unit without the parents having to go to the Vital Statistics office
  - b. If parents have legal questions regarding their rights and responsibilities which cannot be answered by the EW:
    - i. The CS 909 is completed (except for the signature)
    - ii. The clients are referred to the LCSA to have their questions answered and their signatures witnessed
  - c. If the unmarried parents indicate they have previously signed a CS 909 at the hospital, the CWD must obtain verification of the declaration in order to accept it as establishing legal paternity. Until such time as it is determined that a Paternity Declaration does not exist, the Absent/Unmarried Parent Page should be completed to reflect that Parentage is established via POP. This will prevent an unnecessary referral to DCSS.

- i. The EW can request verification from a Supervisor or other worker who has access to the POP database.
    - 1) A screen print from the POP database (containing the date the declaration was filed) must be imaged into the C-IV case and the case journal must document the verification of paternity.
    - 2) The DCSS 0668 form is used to request access to the state online POP database. Supervisor approval is required.
  - ii. A CS 919 can be completed and faxed to 916-464-5898 to obtain verification from the state.
  - iii. The parents can complete a CS 918 to request a copy of the declaration of paternity.
- d. If a copy is not provided, or the EW is unable to verify the existence of a paternity declaration, the couple should be referred to DCSS for resolution of the paternity issue. If the parents have recently filed the declaration, it may not appear in the database.
- 1) The EW makes a referral via C-IV interface (Absent/Unmarried Parent Page) to LCSA to establish paternity. The parentage status should be marked "Pending" to generate the referral.
    - (a) Once paternity has been established, the Absent/Unmarried Parent page in C-IV will be updated accordingly (parentage status field).
- e. Referrals to the LCSA/DCSS still have the same criteria in relation to securing financial and medical support for children on Public Assistance whether or not the CS 909 was signed.
4. **Births on or after January 1997**--For births occurring on or after 1/97 that were registered without the father's name:
- a. Unmarried parents (single), and parents not married to each other (couple), must forward a signed (witnessed or notarized) paternity declaration to the DCSS POP Unit in order to establish paternity without a court order.
    - i. This will not add the father's name to the birth certificate.
    - ii. If parents sign the declaration of paternity and it is filed with the DCSS POP Unit, a referral to DCSS is not necessary as paternity is not in question
  - b. In order to add the father's name to the birth certificate, the parents must send the following to the Office of Vital Records (OVR):
    - i. Signed (witnessed or notarized) paternity declaration
    - ii. Completed VS 22 (Acknowledgment of Paternity form)
    - iii. Appropriate fee
      - 1) The fee is for a certified copy of the amended certificate. The certificate will be mailed from Sacramento to the parents.
      - 2) If the parents have a previously signed declaration of paternity on file with the OVR, a new declaration is not needed; only the VS 22 and the fee are needed.
5. **Minor Parents:** When either parent is a minor, the declaration of paternity does not establish paternity until 60 days after both minor parents are emancipated or 60 days after the eighteenth birthday of the youngest parent, whichever occurs first.
- a. The LCSA may choose to establish paternity with a court order in the case of minor parents. The court order overrides the declaration of paternity.
6. **Hospital Responsibility**—For the purposes of determining whether or not to include the father's name on the birth certificate, hospital staff must determine:
- a. Whether the mother and father were married at any time during the pregnancy:

- b. Whether there is a declaration of paternity signed by both the mother and the father, if the parents were not married
    - i. If the parents were not married during the pregnancy, and the parents want the father's name on the birth certificate:
      - 1) A signed and witnessed declaration of paternity must be presented to hospital staff before the birth certificate is prepared, or
      - 2) Hospital staff must witness the signing of a declaration of paternity before the birth certificate is prepared
- 7. County Welfare Department Responsibility--** The informing and signing of the declaration are shared by the CWD and LCSA. Upon initial application, recertification, or add-person to the CalWORKs or Medi-Cal programs, unmarried parents of any child or children (at the time of birth) shall be informed of the availability of the CS 909.
- a. The EW gives the following to the client(s):
    - i. CS 909 Declaration of Paternity
    - ii. CS 910 Information Sheet
    - iii. PUB 244 Establishing Paternity Brochure
  - b. The EW discusses the following information with client(s):
    - i. The requirements of support and their assignment of rights for the CalWORKs and MC programs as stated in MPP 43-105-107 and MC Procedures Manual Article 8, MC Eligibility Manual section 50351
    - ii. The child's legal rights and privileges as a result of completing the CS 909, how the father and mother benefit per PUB 244
    - iii. The CS 909 is not mandatory to meet eligibility criteria for any program
    - iv. A signed voluntary declaration (CS 909) may be rescinded by either parent by filing a rescission (CS 915) within 60 days of execution or by a judicial proceeding.
      - 1) After the 60-day period, a filed declaration of paternity has the same authority as a judgment rendered by a court
  - c. After reading the rights and responsibilities and having their paternity questions answered by the EW:
    - i. The parents sign the CS 909
    - ii. The EW reviews the form for completeness and accuracy. This includes ensuring all fields are complete and correct, both parents sign and date, and names are spelled correctly.
    - iii. The EW witnesses the signatures and completes Section C of the form.
      - 1) There are no Federal or State requirements for parents to provide identification.
    - iv. The EW distributes the copies as noted below (section 7.f.).
      - 1) If the parents have legal questions regarding their rights and responsibilities which cannot be answered by the EW, they complete the CS 909 except for the signatures, and are referred to the LCSA/DCSS to have their questions answered, their signatures witnessed, and the form submitted
  - d. If the parents want a new birth certificate, the EW refers the clients to the Vital Statistics Desk
  - e. A referral to DCSS is not necessary if a signed CS 909 is received (complete, signed, and witnessed or notarized)
    - i. If the clients do not want to complete the declaration of paternity, they are referred to the DCSS to have paternity established

- ii. Eligibility may not be denied if the client fails to provide the CS 909 as completing the CS 909 is voluntary
  - f. Upon receipt of the completed CS 909 (signed by both parents and witnessed or notarized) the EW will:
    - i. Image the form into the C-IV system and index under Person/Vitals/Declaration of Paternity.
    - ii. Send the original to DCSS POP Unit 564, POB 419070, Rancho Cordova, CA 95741-9070 within 20 days
      - 1) 564 is the agency code for HHS Eligibility
    - iii. Give the yellow and pink copies to the parents
    - iv. Send the green copy to the DCSS via interoffice mail
  - g. Create a journal entry detailing the actions and outcome of CS 909 or referral to DCSS
  - h. Parents have 60 days to change their minds and rescind the declaration of paternity. After a 60 day-time period is over, the CS 909 is in effect (except in the case of minors).
    - i. If one of the parents files a rescission, the CWD will be notified of the rescission by the POP coordinator at the DCSS.
      - 1) Notification of a rescission should trigger a redetermination of eligibility for the aided child(ren). There may be a change in deprivation and a need to refer the custodial parent to CSS for a new paternity determination and/or for a child support order to be established.
    - i. If parents have previously signed and filed a POP, the EW requests a copy as described in Section 2.c..
8. **Completing the Absent/Unmarried Parent Page in C-IV-** The Absent/Unmarried Parent page is to be completed for all cases in which there is absence deprivation or unmarried parents living in the home of a child requesting aid.
- a. The parentage status field will help determine whether or not a referral is generated for and/or pursued by the LCSA
    - i. **Pending**-Entered if there is no Paternity Declaration on file and the EW wishes to refer the case to the LCSA
    - ii. **Yes-Court/Other**-Entered if paternity has been established by court order
    - iii. **Yes-POP**-Entered if paternity has been established by a paternity Opportunity Program Declaration (CS 909) and is registered in the state database.
  - b. Choose the unmarried Father's name from the Parent Name drop-down list and "Living in the Home" status from the "Does this parent live with you?" question.

## 9. Questions & Answers

**Q: What if we only witness one parent's signature on the form?**

**A:** Specifically state on the form which parent's signature has been witnessed. Example "I have witnessed the signature of Jane Doe, mother." Parents may sign separately and on different dates. The signature dates of the parent and witness must correspond. An out of state witness must be a Notary Public.

**Q: How long does it take for information to be in the database and available to the LCSA?**

**A:** It takes about two months.

**Q: What is the timeline for the information getting to the LCSA?**

**A:** Data is available in as little as 45 days from the date the declaration is received by DCSS. The data may be available sooner to LCSA's in the POP database.

- Q: Do we need a POP declaration, or do we make a referral to CSS when the pregnant woman lives with father of unborn, and they are not married?**
- A: No. The parents will be afforded the opportunity to sign the POP papers at the hospital at the time of birth. If the parents don't complete the POP declaration at the hospital, we can offer them an opportunity to fill them out with us. If they do not want to complete the POP declaration, a referral should be made to CSS after the 60-day post-partum period.
- Q: Do we need a POP declaration or do we make a referral to CSS for an unmarried couple with a child/children in common when the father's name is on the birth certificate?**
- A: If the child was born after 1/1/97, there should be a POP declaration. Request a copy from the parents (they can fill out the CS 918), access the state database online, or request the form directly from the state via the CS 919. Do not make a referral to CSS if the POP declaration is received. A POP can be rescinded within 60 days without the name being removed from the birth certificate, therefore seeing a father's name on a birth certificate does not always mean he is the legal father.
- Q: Do we need a POP declaration or do we make a referral to CSS for an unmarried couple with a child/children in common when the father's name is not on the birth certificate?**
- A: Yes. First offer the parents the opportunity to fill out the POP declaration (EW/RS can witness or clients can file on their own--especially if they want a new birth certificate) or do a regular referral to CSS to establish paternity if the parents decline to file a POP declaration.
- Q: Do we need a POP declaration or do we make a referral to CSS for an unmarried couple with a child/children in common when the father's name is on the birth certificate, and he has OHC for child/children?**
- A: Yes. Request a POP from the parents for the files. Only make a referral to CSS if paternity cannot be established with the POP declaration.
- Q: Do we need a POP declaration or do we make a referral to CSS for an unmarried couple with a child/children in common when the father's name is not on the birth certificate, and he has OHC for child/children?**
- A: Yes. Offer the parents the opportunity to complete a POP declaration, but do not make a referral to CSS unless paternity is at issue.
- Q: Do we need a Paternity declaration for intact families?**
- A: Maybe. The POP declaration is one way to establish paternity. Please request the document for the case file. If the parents have not completed a POP declaration, we can offer them the opportunity to complete one. Do not do a CSS referral for these families if paternity is not at issue.
- Q: What should we do in the case of a single mom where dad's name is on the birth certificate, and the child was born after 1/97?**
- A: Request the POP declaration (from the mother or the state database) and complete C-IV Absent/Unmarried Parent page, indicating in C-IV that there is a POP declaration on file.
- Q: If the parent doesn't have a copy of the POP what do we do?**
- A: Check the state POP database or fax a request (CS 919) to the state.
- Q: What action do we take if both parents are in the home but the father's name is not on the birth certificate and the parents don't want to complete a POP declaration and we ask the**

**mother to complete a CW 2.1, but she refuses/fails to cooperate? Is it even a requirement for her to cooperate? Is paternity really at issue?**

A: You would make a paternity only referral to CSS; paternity is at issue if the father's name is not on the birth certificate and there is no POP 909.

Q: **When is paternity considered to be "at issue" and why does it matter?**

A: Paternity is at issue when the child was **CONCEIVED** *prior to* legal marriage. The DCSS is first required to establish paternity if it is considered to be at issue **BEFORE** they get a court judgment.

Q: **Should a POP 909 be used for parents who did not sign a declaration of paternity in the hospital and were married sometime after the birth?**

A: No. POP is a system for unmarried parents to establish paternity as required by state and federal law. Paternity establishment in cases that involve married women requires examination by a court.

Q: **What about military fathers?**

A: A military father with orders that will prevent him from being present at the time of his child's birth can sign a Declaration of Paternity before deployment. A copy of his orders must be attached to the Declaration of Paternity and the documents are held by the mother. The Paternity Declaration is completed, signed and witnessed upon the birth of the child.

Q: **A mother is legally married, but her husband is not the biological father of her child. Can she complete a Declaration of Paternity with the biological father of the child?**

A: No. If a mother was legally married to anyone at the time of conception or birth or was cohabitating with anyone who could establish parentage, she is ineligible to complete a CS 909, Declaration of Paternity. Marital presumption establishes paternity in the husband, even if he is not the biological father. A court must determine paternity in such a case.

## **REFERENCES:**

MPP 41-403.2, 43-201.1, 82-504, 82-506

MEM 50167, 50175, 50262.3, 50771.5

ACWDLs 96-73, 97-09, 97-30, 97-64, 98-45, 02-37

ACLs 96-67, 97-49, 11-82

DCSS Letters (POP Letters) 02/23/98, 07/21/98, 11/12/98, 04/29/99, 12/16/99, 01/03/00, 01/10/00, 8/31/2011 (POP 11-02), 5/15/12 (POP 12-01)

## **FORMS**

[CS 909](#) – Declaration of Paternity (Sample)

[CS 910](#) – How a Declaration of Paternity Can Help You and Your New Baby

[CS 915](#) – Declaration of Paternity Rescission

[CS 918](#) – Used when parents want to request a copy of the POP Declaration

[CS 919](#) – Used when EW/RS wants to request a copy of the POP Declaration

CW 2.1

CW 371

DCSS 0668 – Request for Online Access to Filed POP Declarations

[PUB 244](#) – Establishing Paternity brochure

[VS 22](#) – Used by parents to request a new birth certificate

**CONTACT PERSON(S):**

Shelly Todd, Staff Services Analyst

**END OF PROCEDURE**

**REVISION HISTORY:**

<b>Revision</b>	<b>Date</b>	<b>Description of Change</b>	<b>Requested By</b>
0.0	06/03/1997	Procedure created	
1.0	12/31/2010	New format	Jessica Chapin, SSA II
1.5	4/30/2012	Updated process per ACL 11-82 to incorporate use of state database to verify paternity declarations.	Jessica Chapin, SSA II
2.0	7/29/2014	Regular review and update. Minor revisions made for clarity.	Jessica Chapin, SSA II
3.0	11/28/2016	Scheduled review.	Shelly Todd, SSA II
4.0	12/28/2018	Scheduled review. Added additional Q&A.	Shelly Todd, SSA II

POP Flow

