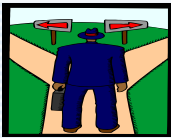


Location  Paternity

**Intersection of IV-D & Child Welfare**

Lisa K. Bradley  
Assistant Attorney General  
July 20, 2012

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**IV-D Child Support**

42 U.S.C. § 666  
45 CFR § 300-310  
N.C.G.S. § 110-128 – 142.2  
N.C.G.S. § 52C

**State Administration**

- Department of Health & Human Services
- Division of Social Services
- Child Support Services Section

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**Program Responsibility**

**State IV-D Agency**

- State-wide Program Oversight
- State IV-D delegated functions

**County IV-D Agency**

- Effective July 1, 2010
- County services administration

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### County Administration

- County Department of Social Services
- County - contracted Private Company
- Separate County IV-D Agency
- Tribal IV-D Agency

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### State Plan

#### 45 CFR § 301.10

- Comprehensive statement of nature & scope
- Assurance of conformance to requirements

#### 45 CFR § 302.10

- State-wide operation
- Mandatory standards
- Assurance of continual operation

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### Primary Program Purposes

- Locate Parents
- Establish Paternity
- Establish Support Obligations
- Modify Support Obligations
- Collect & Distribute Child Support
- Collect & Distribute Spousal Support

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### Locating Parents

**IV-D Locate Resources**

- Federal Parent Locator Service
- Federal Case Registry
- N.C. & National New Hire Directories
- NC Vital Records
- NC Dept. of Corrections
- NC DMV
- NC Employment Security
- Interstate Data Exchange Consortium
- NC TANF & Food/Nutrition programs

... and others

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### Location Services

**Locate a Parent ► IV-D**

- Adoption
- Child Placement
- Termination of Parental Rights

**Locate a Court Order ► AOC**

**Locate a Birth Record ► Vital Records**

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### Paternity Establishment

**IV-D Establishes Paternity When -**

- Child is born out of wedlock
- Child is under age 18
- Paternity is not adjudicated/ordered
- There is no presumed "legal" father

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### Legal Father

There is a legal father /rebuttable presumption of fatherhood when:

- He is named on the birth certificate
- He & mother married at birth or conception
- He & mother married after birth
- He signed Affidavit of Parentage

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### Fathers Have Rights

“The relationship between parent and child is constitutionally protected.”

Troxel v. Granville

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### If There Is A Legal Father . . .

- Paternity is not “at issue” -  
due to presumption of paternity
- Paternity becomes “at issue” -  
if a party challenges the presumption

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### If Paternity Is “At Issue”

- **Presumption can be Rebutted**
- **Complaint for Paternity**
  - Genetic Testing
  - Order of Paternity or Exclusion
- **Action to Set Aside Paternity Order**
  - “Disestablishment”
  - Rule 60 Motion
- **Presumption is Rebutted**
  - Findings, Conclusions
  - Order of Exclusion

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### “Putative Father”

**A man is a putative father if:**

- He is not the legal father
- The mother identifies him as the father
- He identifies himself as the father

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### Putative Father’s Rights

- **No Constitutional Rights**
- **No Legal Rights**
- **No Legal Obligations**

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### Legal Father First

1. Court Ordered Exclusion of Legal Father
  - \* Consent Order
2. Action Involving Putative Father
  - ✓ Genetic Testing
  - ✓ Complaint for Paternity

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### Paternity – Juvenile Court

- N.C.G.S. § 7B-506 (h)(1)
- N.C.G.S. § 7B-901



- Identity & location of a missing parent
- Whether paternity is at issue
- Paternity establishment

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### CS / CW “INTERSECTION”



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### Barriers



- Time - urgency of juvenile matters
- “Real” Father – legal vs. biological
- Affidavit of Parentage - purpose

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### Resulting Problems

- Rights of Legal Father ignored
- Multiple paternity determinations
- TPR in one court – Support order in another
- Paternity testing but no paternity order
- Policies restrict information sharing



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<http://www.ncacc.org/DSS-Fr-Bradley.html>

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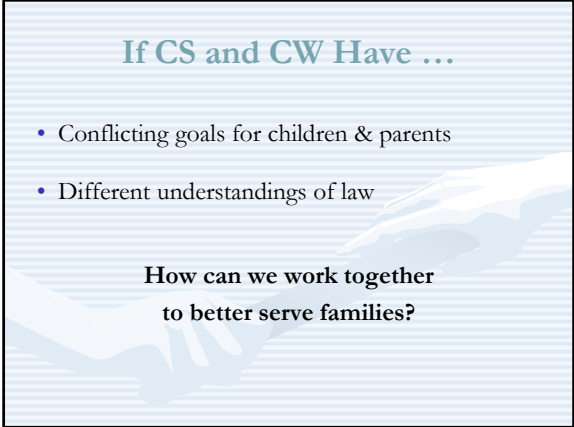
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**If CS and CW Have ...**

- Conflicting goals for children & parents
- Different understandings of law

**How can we work together  
to better serve families?**



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**Destination - Paternity**



- Communication
- Use existing pathways
- Build new bridges



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**DISCUSSION**



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Intersection of IV-D & Child Welfare



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