D. Reporting Noncustodial Parents to the Division of Child Support (DCS)

**INTENT**

- To provide a process for Department of Human Services (DHS) staff to report noncustodial parents and alleged fathers named by clients to DCS;

- To explain how DCS will establish paternity and establish, modify and enforce child support obligations against noncustodial parents of needy children in order to assist DHS in helping clients become self-sufficient.

1. Noncustodial parent questions for intake and redetermination

For the DHS case worker, the client is the primary source of information regarding each noncustodial parent (NCP) and the resources the NCP may have to help support the child.

**Identification**

- What is the last name of the NCP? Middle name? First name?
- If the NCP is the mother, what is/was her maiden name?
- Does the NCP have a nickname or use an alias?
- If you do not know the NCP’s last name, do you know someone who does? Does this “someone” have a name, address or phone number?

**Location**

- Where did you meet the NCP? If it was at a friend’s house, what is your friend’s name and address?
- Where does the NCP live?
- What is the NCP’s SSN, DOB, or approximate age?
- Where was the NCP born?
- Has the NCP ever sent you a letter? If so, from where? (This might give the noncustodial parent’s correct name, current return address, etc.)
- Where did the NCP go to school (high school or college)?
- Does the NCP drive?
- What are the names and addresses of the NCP’s relatives?

- Does the NCP have an Alien Registration card? In what state was he/she admitted into this country?

**Description**

- Has the NCP been in trouble with the law? If so, where?

- Can you give a description of the NCP (height, weight, etc.)? Any distinguishing marks or tattoos?

- Do you, or someone you know, have a photo of the NCP?

**Existing Support Order**

- Has the NCP ever been ordered (by a court or administrative agency) to pay child support for your child or any other children? If so, where (city, county, state)?

- Do you have a copy of any such order?

**Employment/Income**

- Does the NCP work? Where does the NCP work, or where has the NCP worked? Do you have the name/address of his/her last employer? What type of work does the NCP usually look for? Is the NCP self-employed? What is the name and address or location of the business and what kind of business is it?

- If the NCP is in the military, which branch? Do you know where he/she is stationed (APO, ship, base)?

- Is the NCP receiving SSB, worker’s compensation, or UI?

- Is the NCP on public assistance or SNAP in Oregon or any other state?

- If the NCP paid you child support by check, what bank/branch was it drawn on?

- Does the NCP have any special licenses?

**Paternity**

- Does the NCP know about the child?

- Does the NCP have other children? If so, do you know the other parent’s name, address, etc.?

- Were you ever married to the NCP?
2. Explaining referral process to clients; branch office responsibilities

On receiving an application for TANF where one or both parents are absent from the benefit group (except when the family is eligible for cash assistance as a two-parent family), the branch office will explain to the client that:

- DHS will report information on each NCP to DCS and DCS’ role is to establish paternity and to establish, modify and enforce support orders regarding each NCP;

- Unless the client has good cause for not cooperating with support, cooperation in efforts to obtain child support is a condition of eligibility at application and a cooperation requirement while receiving ongoing benefits, as discussed above in this chapter. However, the following clients are not required to cooperate in pursuing child support:
  - Clients who are receiving cash benefits and who are in the JOBS Plus, SFPSS or Post-TANF programs; and
  - Clients who are eligible for cash benefits as a two-parent household.

- If a client wants to cooperate but does not want their address included on legal papers that go to the other parent, the client can ask DCS for a contact address. DCS will use this address on legal papers they send to the other parent. DCS will also send all legal papers to this address for the custodial parent.

In all programs, if a client wants to cooperate but does not want their personal identifying information, including the client’s address, included on the legal papers that go to the other person, the client may file a “nondisclosure of information” request. To file a “nondisclosure of information” request, the client must complete the Client Safety Packet on Good Cause (DHS 8660), and must provide a contact address.

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*The client can use their home address as their contact address. However, if the client does use their home address, it will be on legal or other papers given to the other parent or person during a legal action.*
If a client files a “nondisclosure of information” request, legal papers that go to a court are sent in a sealed envelope and the client’s personal identifying information is not “public record.”

**NOTE**

Form **DHS 8660** is part of the Client Safety Packet on Good Cause (**DHS 8660**). Workers should have this form available to clients.

In all programs, before sharing any information, DCS will send written notification to the client that:

- DCS must include the client’s address in any motions, pleadings, petitions, orders or other legal documents filed with the court; and
- To avoid having their address revealed in court documents, the client may file a “nondisclosure of information” request with DCS, as discussed above and in Section C (**cs-c**).

### Confidentiality -- Finding of Risk and Order for Nondisclosure of Information Rule

**137-055-1160** — Confidentiality -- Finding of Risk and Order for Nondisclosure of Information

### Case Assignment Rule

**137-055-2020** — Case Assignment

#### 3. TANF cases to be reported to DCS

The following cases must be reported to DCS (unless “good cause” has been established or a determination is pending – see Section C (**cs-c**) of this chapter):

- New TANF cases (except for two-parent households);
- Ongoing TANF cases. (This does not apply to any ongoing case that is JOBS Plus, SFPSS or Post-TANF, that is getting Employment Payments or that is a two-parent household).

For the cases described above, report the following to DCS:

- All living noncustodial parents (natural or adoptive);
If the caretaker relative is someone other than a parent (for example, a grandparent or an aunt), both noncustodial parents.

**Absent stepparents.** DCS will not pursue enforcement against absent stepparents.

**Spousal support/alimony cases.** DCS will not establish an order for spousal support. However, DCS will enforce an existing order for spousal support for a client receiving assistance or if the noncustodial parent of a child on the grant has been ordered to pay spousal support for the client and DCS is enforcing a child support obligation for the child.

**Caretaker relative other than a parent.** When both parents are absent and the caretaker is someone other than a parent, DCS will pursue support from both the absent mother and absent father.

**Parents of a minor parent (grandparents).** If a minor parent is receiving a TANF grant, DCS will generally not pursue enforcement against either parent of that minor parent unless the parent has already been ordered to pay support for the minor under an existing order. Consult the *SMU1 or SMUX screens*, and ask the client to determine if there is an existing order. If there is an existing order, refer the obligated parent to DCS by coding the grandparents appropriately on the DHS case and alerting the DCS worker by phone or email. (To identify the appropriate DCS worker, use DCS mainframe screen SESR).

When there is no existing support order against the mother or father of a minor parent receiving TANF, DCS will only pursue support if the minor parent is living with a caretaker and is coded as a child on the grant.

However, in all cases, do report the NCP of the minor parent’s child to DCS.

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**4. Process for reporting noncustodial parents to DCS**

The referral to DCS can be accomplished in two ways:

- When the branch office opens the case on the CM System, the referral is made automatically to DCS’s Child Support Enforcement Automated System (CSEAS) by computer interface (NEW, REOP and REST actions on the CM System will activate a CSEAS case). CSEAS creates a noncustodial parent case based on the NCP’s name, birthdate and SSN as entered on the CM System; or

- Adding a new NCP to an existing CM System case also activates a CSEAS case. It is vital that all family unit coding on the CM System be entered accurately. The CM System and CSEAS systems are linked in this overall process.
**Existing support case on CSEAS.** If DCS already has a support case on the CSEAS system against an NCP of the child(ren) on the TANF case, CSEAS coding will automatically update to show that the case is now active. For this to occur correctly, it is vital that branch workers make sure that the NCP information on the CM System correctly matches the information on CSEAS. The name, birthdate and SSN entered on the CM System must match identically to all such information on CSEAS.

**No existing support case on CSEAS.** If DCS does not already have a support case on CSEAS, the noncustodial parent information on the CM System will create a “skeleton” support case from which DCS may begin enforcement activity. The skeleton case is not available until the day after the DHS worker opens the case on the CM System.

If the client provides additional information about the noncustodial parent on the “noncustodial parent information” segment of the Application for Services (DHS 415F) (current or last known address, current or last known employer, support order information, etc.), the branch must also provide this information to DCS. The branch will do this by narrating the information on TRACS. It is a best practice to also send via email all such information from the DHS 415F to the DCS worker.

**Existing support orders in client’s possession.** If the client has legal documents from any state regarding support (e.g., a child support order or divorce decree), and CSEAS does not indicate that DCS already has these documents, send a copy to DCS.

**Paternity cases.** Except when paternity has already been legally established for all children in the benefit group or when a client is exempt under “good cause,” the mother of each child included in the benefit group must complete an Affidavit in Support of Establishing Paternity form (OMB 0970-0085/CSF 11 0112/FLS 112) or complete with the alleged father the Oregon Health Division (OHD) form, Voluntary Acknowledgment of Paternity Affidavit (OHD 45-21), (which can be requested by phone at 971-673-1155 or via email at DEBORA.L.GOTT@dhs.oregon.gov or ANTHONY.M.BOJANOWSKI@dhs.oregon.gov) when both the following are true:

- The mother is the caretaker relative and payee or is a dependent child in the caretaker relative’s filing group; and

- Legal paternity has not been established for the child, either by marriage or by legal proceedings.
If the mother has more than one child by the same alleged father, she must complete a separate form on each child (even if the children are identical twins). This is a legal requirement.

Use the OHD 45-21 (rather than the OMB 0970-0085 or CSF 11 0112) in all cases where:

- Paternity has not been legally established, and
- The child was born in Oregon, and
- The mother was not married when the child was born, and
- Both the mother and alleged father are present, have had their rights and responsibilities presented to them and willingly sign the OHD 45-21 to establish that the alleged father is indeed the legal father.

According to federal law, parents must HEAR the “Statements of Rights and Responsibilities” printed on the back of the OHD 45-21. Staff may read this statement out loud to the parents, or parents may watch the DVD provided by the state and available on the DCS website at http://www.oregonchildsupport.gov/services/pages/paternity.aspx.

Do not use the OMB 0970-0085 or CSF 11 0112 or the OHD 45-21 for an unborn child; wait until the child is born.

Use the OMB 0970-0085 or CSF 11 0112 in all other cases where paternity has not been legally established regardless of whether the child was conceived in Oregon or another state or country.
Make sure the mother understands that the OMB 0970-0085 or CSF 11 0112 is a legal document that may be presented in court, and that by signing the form, she is swearing that all information provided is true to the best of her knowledge.

Paternity cases with more than one possible father. If the mother names more than one man as being a possible father for the child, have her complete an OMB 0970-0085 or CSF 11 0112 only for the man she names as being the most likely father. Have her identify the other possible father(s) in the appropriate place on the OMB 0970-0085 or CSF 11 0112. However, whenever DCS or a court finds that a man named on the OMB 0970-0085 or CSF 11 0112 is not the father, the mother must complete a new OMB 0970-0085 or CSF 11 0112 for the next most likely father.

“Father Unknown” cases. If the mother does not know the name or identity of the alleged father, or the name or identity of any of the possible fathers when more than one man is a possibility, use either the OMB 0970-0085 or CSF 11 0112 and have the mother write “unknown.” This will provide a sworn statement that she does not know. In doing so, be sure to ascertain, as affirmatively as possible, that the mother truly does not know who the father may be.

Additional considerations

- Make sure the forms are legible and as complete as possible;
- Do not give any appearance of coercing or pressuring the mother into completing and signing the OMB 0970-0085 or CSF 11 0112. However, if the worker believes that the mother has sufficient knowledge to complete the form, and the mother refuses to cooperate and does not have good cause, make sure the client understands that DHS will apply penalties for noncooperation. The DHS worker should initiate penalties when warranted;
- If the mother is hesitant to sign these forms, make sure she understands her right to ask DCS for a contact address, to make a claim of risk for nondisclosure of information or to ask for good cause for noncooperation with support as discussed in Section C (CS-C) of this chapter;
- The mother’s signature on either the OMB 0970-0085 or CSF 11 0112, and both the mother’s and father’s signature on the OHD 45-21, must be notarized. This is because these forms are sworn legal documents;
- OVERS: If the mother names the same man who is named on OVERS as father, treat this as paternity already established. However, if BBCN names a man as father, but the mother states a man other than the man named on OVERS is the father, take the following steps:
  1) Code the CM System case with the OVERS father (code FA), which refers the case to DCS as a nonpaternity case.
2) Have the mother complete a paternity affidavit naming the biological father and forward it to DCS.

3) Narrate TRACS identifying the conversation with the mother and indicate why the mother believes a man other than the man named on OVERS is the biological father. Indicate paternity affidavit has been completed and forwarded to the appropriate DCS office.

4) Alert DCS worker email.

**Sending completed paternity forms to DCS.** When eligibility for TANF is approved, promptly forward the completed form to the DCS office serving the branch, subject to the following additional requirements and considerations:

- Do not send the **OMB 0970-0085** or **CSF 11 0112** to DCS until the TANF grant is actually opened. Do not send the form at intake or while approval of the grant is still pending. DCS must match the form to an open grant to ensure the form is not lost;

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<td>If the DHS branch works with its DCS branch at the local level to have DCS review or pursue cases while the DHS case is pending, follow whatever arrangements have been set up with the DCS branch.</td>
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- Carefully review the form to make sure it is filled out completely, and that all the answers are consistent. For example, the date of conception must have occurred before the date of birth;

- Do not send an **OMB 0970-0085** or **CSF 11 0112** or OHD 45-21 to DCS for an unborn child. Completing the **DHS 415F** and narrating the case record meets eligibility requirements regarding an unborn. Obtain the appropriate completed form once the child is born and send it to DCS.

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5. **Process for reporting noncustodial parents to DCS – Pre-TANF, Child Care and Supplemental Nutrition Assistance programs**

For Pre-TANF, Child Care and Supplemental Nutrition Assistance Program cases where DHS reports NCPs to DCS, DCS will provide the full range of services that they provide on TANF cases (see “3” above for a listing of all NCPs who can be reported to DCS).

However, note the following:

- For Pre-TANF, Child Care and Supplemental Nutrition Assistance Program cases only, report only those NCPs where the client is willing to cooperate with DCS and where the client is able to provide both the NCP’s name and at least one other useful piece of information such as the NCP’s Social Security number, birth date, current or last known employer or home address or copy of an existing support order;

- Before reporting any NCP to DCS, consult CSEAS (SMU1, SMUX, etc.) to see if DCS or a county district attorney is already handling that NCP’s case (ask the DCS branch office if unsure). If DCS or a district attorney is already handling the case, do not report the NCP to DCS.

  The reason such a case is not reported to DCS is because if DCS is already handling the NCP’s case, DCS does not need a new referral. If a district attorney is already handling the case, the district attorney should keep the case. This keeps the client from being bounced back and forth between the district attorney and DCS in cases where a TANF grant is not eventually opened. However, if the case later becomes a TANF case, report the case to DCS in accordance with “4” above;

- If DCS or a county district attorney is not already handling the NCP’s case, refer the case to DCS by having the client complete an Application for Child Support Services (CSF 03 0574), and send the completed and signed form to the DCS branch office. The automatic referral described under “4” above (for TANF cases) is not available for Pre-TANF, Child Care and Supplemental Nutrition Assistance Program cases, and referral must be by CSF 03 0574.

  If the Pre-TANF, Child Care and Supplemental Nutrition Assistance Program case involves more than one NCP whose case is not already being handled by DCS or a county district attorney, have the client complete a separate CSF 03 0574 for each NCP.

**Existing support orders in client’s possession.** If the client has legal documents or orders regarding support (e.g., a child support order or divorce decree), send a copy to DCS.

**Paternity cases.** Use the instructions under “4” above for paternity cases.

**Sending completed forms to DCS.** Use the instructions under “4” above for sending completed forms to DCS.
6. **DCS actions and responsibilities (all programs)**

**Genetic testing.** If the mother names more than one possible father, or has named only one possible father and he denies paternity, DCS must conduct genetic testing to determine that the referred father is the actual father before establishing paternity. Genetic testing requires obtaining genetic samples (by means of a buccal swab) from the referred, alleged father, the mother and the child, and takes about four to six weeks after everyone’s sample is taken. Once paternity is established, DCS will give the mother and father a copy of the order that established him as the father.

- When an alleged father is excluded by genetic testing, DCS will issue an “order of nonpaternity” and will send copies to the now-excluded alleged father, the mother and the court;

- If the mother named only one possible alleged father and that father is excluded by genetic testing, re-examination of paternity information she provided is required. The DHS branch must interview the mother to identify other possible fathers and determine if she is not cooperating. A new OMB 0970-0085 or CSF 11 0112 needs to be completed for each subsequent alleged father named by the mother.

**Establishing paternity for self-alleged fathers when mother is absent.** When the mother is absent from the home, but information indicates that a self-alleged father is in fact the child’s father, DCS must first try to find the mother and serve her with legal papers (unless she is deceased) before establishing paternity. This process may be delayed if the mother cannot readily be located. The branch must do the following:

- Have the self-alleged father complete and sign a DCS Request to Establish Paternity (SAF) (CSF 01 0418); this form is available from DCS branch offices. Send this completed form to DCS. Keep a copy in the DHS case record to document TANF eligibility for the self-alleged father; or

- Alternatively (depending on whatever process the branch and the DCS branch have agreed to), refer the self-alleged father to the DCS branch and ask the self-alleged father to bring a copy of his signed CSF 01 0418 back from DCS to the DHS branch for the DHS case record to document TANF eligibility for the self-alleged father.

**Previously reported alleged fathers when grant reopened/restored.** If assistance is being reopened or restored for a child for whom an OMB 0970-0085 or CSF 11 0112 was previously completed and sent to DCS, determine if paternity has been established for the child. If paternity has not been established, have the mother complete a new OMB 0970-0085 or CSF 11 0112.
Two-parent households where paternity not established. For a two-parent household where paternity has not been established and both parents agree to establish legal paternity:

- If the child was born in Oregon, have both parents complete and sign the OHD 45-21. This is the vital statistics form that will establish legal paternity;

**NOTE**

Federal law requires that before the parents may sign the OHD 45-21, they must first be read, aloud, the “Rights and Responsibilities” statement on the back of the OHD 45-21. The DHS branch may meet this requirement either by reading the back of the OHD 45-21 to the parents or by playing an audio or video tape recording of the “Rights and Responsibilities” for the parents. A recording is available on the DCS website at [http://www.oregonchildsupport.gov/services/pages/paternity.aspx](http://www.oregonchildsupport.gov/services/pages/paternity.aspx).

- The DHS branch must notarize the signatures and send a notarized original to DCS;
- DCS will then forward the completed form to the OHD and will pay all fees. This establishes legal paternity;

**NOTE**

Do not have the client complete an OMB 0970-0085 or CSF 11 0112 when the alleged father and the client sign form OHD 45-21.

- If the child was not born in Oregon, have the mother complete an OMB 0970-0085 or CSF 11 0112 and forward it to DCS. Explain to the parents that signing the affidavit does not in itself establish legal paternity and that they may receive legal documents from DCS to establish paternity (and that DCS will file with the court).

**Case Assignment Rule**

137-055-2020 — Case Assignment
7. Services provided by DCS (all programs)

DCS does all the following:

- Determines the whereabouts of NCPs and their financial ability to pay support;
- Establishes paternity of children;
- Obtains copies of existing child support orders;
- Establishes orders for child support where no order exists;
- Reviews support orders to determine if action to modify the support amount is appropriate;
- Secures compliance with existing support orders through automatic wage withholding, tax refund interceptions and other enforcement actions;
- Initiates support proceedings when the NCP lives in another state and responds to enforcement requests from other states when the noncustodial parent is in Oregon;
- Supplies locate information to other states on their cases;
- Collects and distributes support payments and maintains payment records.

8. Notifying DCS of new or additional information (all programs)

If the client provides additional information at a time other than intake or redetermination (i.e., when the Application for Services (DHS 415F) is not completed), send this information to DCS via email or phone call.

If the client has obtained a divorce decree or child support order not indicated on CSEAS, send a copy to DCS.

Review all cases transferred in from other branch offices to ensure that all forms for seeking support from the noncustodial parent(s) have been properly completed and submitted. It is not necessary for the receiving branch to refer the case to the receiving DCS branch, unless new information becomes known.

9. Deceased noncustodial parent or alleged father – special considerations (all programs)

Even if the NCP or the alleged father is deceased, DCS may be able to establish paternity or pursue estate assets that could help the child(ren). By establishing paternity for a child when the alleged father is deceased, DCS may enable the child to qualify for Social Security survivor’s benefits on the deceased father’s account, or for an inheritance.
- Notify DCS whenever learning that an alleged father or NCP is deceased so that DCS can start appropriate actions;

- If the client has claimed “good cause” with regard to the deceased NCP or alleged father, contact the client to re-evaluate whether the good cause claim is still necessary. Explain to the client that cooperating with DCS could now result in the child(ren) qualifying for Social Security survivor’s benefits, an inheritance or other benefits;

- Ask the client for any information that might help DCS establish paternity even though the alleged father is deceased, such as letters, other written documentation or acknowledgments or other evidence the client or child(ren) might have to indicate that the deceased alleged father is the true father or has acknowledged paternity.