

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 419064, Rancho Cordova, CA 95741-9064



September 19, 2008

POP LETTER: 08-03

TO: ALL IV-D DIRECTORS
ALL IV-D PATERNITY OPPORTUNITY PROGRAM COORDINATORS
ALL LICENSED BIRTHING HOSPITALS
ALL PUBLIC AGENCIES THAT ADMINISTER THE PATERNITY OPPORTUNITY PROGRAM

SUBJECT: WHEN A DECLARATION OF PATERNITY SHOULD NOT BE USED

The purpose of this letter is to provide clarification to all hospitals and public agency providers regarding when a declaration of paternity should not be filed with the Department of Child Support Services (DCSS):

1. *Unmarried parents want to establish legal paternity for their child who is over 18. Should they establish using a declaration of paternity?*

No. Parents who want to establish legal paternity for their adult child should not file a declaration of paternity with DCSS. State and federal laws require Paternity Opportunity Program (POP) providers to witness declarations of paternity for children under the age of 18. Once a child has reached legal adulthood (or is emancipated by law) matters of paternity establishment should be addressed through the court system.

2. *Unmarried parents do not sign a declaration of paternity in the hospital when their baby is born. They marry two months later and want to establish legal paternity. Should they establish using a declaration of paternity?*

No. Mothers who are married (even to the biological father) should not establish paternity through POP. POP is a "simple system" for unmarried parents to establish paternity as required by state and federal law. Paternity establishment cases that involve married women are usually complex and require examination of evidence, testimony under oath and determinations based upon the law of a particular case, all of which should be evaluated by a judge during court proceedings.

If you have any questions regarding this letter, please contact a state POP analyst at 1-866-249-0773

Sincerely,

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BILL OTTERBECK
Deputy Director
Child Support Services Division