

October 22, 2021

GENERAL LETTER NO. 10-A-13

ISSUED BY: Bureau of Child Support Recovery
Division of Field Operations

SUBJECT: Employees' Manual, Title 10, Chapter A, **Administrative Paternity Establishment**, Contents page 3, pages 106-112, revised.

Summary

Chapter 10-A is revised to add policy and procedures to address when a minor mother claims she is victim of sexual abuse by the alleged father.

Effective Date

Immediately.

Material Superseded

Remove the following material from Employees' Manual, Title 10, Chapter A, and destroy it:

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Additional Information

Refer questions about this general letter to your regional collections administrator.

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If you enter CPNC, PNI, NLAF, AFEX, or OTH to end the process, but ICAR indicates that the alleged father has already been served with the notice of the administrative paternity action, ICAR generates form 470-3318, *Dismissal of Administrative Paternity Action Without Prejudice*. ICAR generates this form twice if the mother is the payee, or three times if the non-parental caretaker is the payee.

This form serves as the Unit's formal withdrawal from the administrative paternity establishment action. File the original of each form sent to each party with the clerk of the district court and send the appropriate copy to the alleged father, the mother, and the caretaker (if not the mother).

Review the case with your Unit supervisor and attorney before generating and issuing the *Dismissal* for CPNC, NLAF or OTH codes; see Iowa Court rule 1.943.

To end the process by entering an order, see [Issuing the Order](#).

Special Circumstances

The following sections explain the application of the policies in this chapter when:

- ◆ [There are multiple allegations of paternity](#)
- ◆ [The alleged father is different from the legal father](#)
- ◆ [The minor mother claims she is victim of sexual abuse by the alleged father](#)
- ◆ [The alleged father is a minor](#)
- ◆ [The alleged father is incarcerated](#)
- ◆ [There is an action to disestablish paternity](#)
- ◆ [The payee lives in another state](#)
- ◆ [The alleged father lives in another state](#)
- ◆ [The payee moves during the administrative paternity process](#)
- ◆ [Paternity is established for some of the children, but not all of them](#)

Multiple Allegations

Form 470-3877, *Child Support Information*, and form 470-3929, *Establishment Questionnaire*, alerts the mother to the fact that she should make a multiple allegation if she had relations with more than one man during the probable conception period of the child. If the mother indicates that more than one man could have fathered the child, initiate an administrative paternity action against the most likely father.

When there is a multiple allegation:

- ◆ If you have not interviewed the mother and her answers on the *Child Support Information or Establishment Questionnaire* indicate more than one possible alleged father, interview the mother by phone or schedule an in-person interview in the office. Ask the mother to specify the man or men with whom she had intercourse during the period she was most likely to have become pregnant. (See [Interview With the Mother](#).)
- ◆ Pursue a paternity action against only one alleged father at a time. Do not proceed with a paternity action against more than one man at a time.

If the mother names a man most likely to be the father based on the probable period of conception, serve that alleged father with form 470-3309, *Notice of Intent to Establish Paternity and Support*.

If you and the mother cannot determine which man is most likely to be the father, serve the alleged father for whom you have a verified address. If more than one alleged father has a verified address, pick which one to proceed against first.

Likewise, if the most-likely alleged father cannot be located after diligent but unsuccessful efforts, serve the next most-likely alleged father for whom you have a verified address. (90 days is a reasonable amount of time to search before serving the next most-likely alleged father.)

Follow the instructions for obtaining an *Administrative Paternity Order* just as if there were a single allegation. If the alleged father who was first contacted wants to admit paternity, remind him of his right to genetic testing before he signs the agreed *Administrative Paternity Order*.

If he is reluctant to request genetic tests because of the cost, the Unit may order genetic tests on its own initiative and not seek reimbursement for the cost of the tests. The Unit is required to advance the cost of tests in the first round of genetic testing, and then charges the tests to the alleged father whom the tests conclude is the father when he requested the genetic testing. If the Unit, the court or the mother requested the genetic testing, the Unit cannot seek reimbursement from either parent.

If that alleged father is excluded from consideration through genetic testing, initiate an action against the next most likely candidate, and so on, until either:

- ◆ Paternity is established against one of the alleged fathers; or
- ◆ All the alleged fathers are excluded. In that case, ask the mother to name other possible fathers.

Legal vs. Alleged Father

When there is a legal father (i.e. the child was born during a marriage) which means paternity is already legally established, you must pursue him for child support. In these cases, the administrative paternity process is not appropriate.

Occasionally the mother or the legal father will claim that another man is actually the biological father. Unless the legal father successfully initiates an action to disestablish paternity (see 10-D, [Disestablishment of Paternity](#)), do not pursue paternity establishment against the alleged biological father. Seek child support from the **legal** father under Iowa Code chapter 252C.

If you discover that a legal father exists after the alleged father has been served with form 470-3309, *Notice of Intent to Establish Paternity and Support*, withdraw the administrative paternity action.

Do this by filing a form 470-3318, *Dismissal of Administrative Paternity Action Without Prejudice*, with the court, and sending a copy of the dismissal to the alleged father, the mother and the caretaker, if applicable. Then initiate an administrative support action under Iowa Code chapter 252C and obtain new service of process on the legal father.

Dismissing the Case

To end the administrative paternity process in ICAR when a legal father is discovered, enter "PNI" in the ACTION DISMISSED/PROCESS ENDED field on ADPAT2. This indicates the process was ended due to paternity not being at issue. For other valid codes for dismissal, see [Ending the Process](#).

Minor Mother Claims to Be a Victim of Sexual Abuse by Alleged Father

CSRU should not proceed with an action to establish paternity or support against an alleged father when the mother may be a minor victim of sexual abuse **unless** the minor victim mother requests CSRU's services.

Before proceeding with an action to establish paternity or support, review the child's date of birth (DOB) and parents' DOB to determine the age of the parents at the time of probable conception.

Iowa Code section 709.4 describes third degree sexual abuse, a class "C" felony, to include sex acts under the following circumstances:

- ◆ The other participant is 12 or 13 years old.
- ◆ The other participant is 14 or 15 and the person is four or more years older.

NOTE: A parent who meets these criteria may now be 18 or older, but will be referred to as a minor victim in this section because they were a minor when the abuse occurred.

Consult with the supervisor or office attorney before making the determination not to proceed in Public Assistance and Non Public Assistance cases.

Public Assistance cases: The minor mother is receiving public assistance and claims to be a victim of sexual abuse by the alleged father and does not wish to proceed with establishment.

- ◆ Inform the minor victim mother about claiming good cause. See 9-H, [Serving Qualified Customers](#) for more information.
- ◆ If the minor victim mother does not or cannot claim good cause and still does not want CSRU to proceed with establishment, proceed to make a determination regarding the best interests of the child.
- ◆ If CSRU determines that establishing an order is not in the best interests of the child, do not establish an order. Close the case using the "NCIN" closure code. See, 9-I, [Case Closure](#) for more information.

Non Public Assistance cases: The minor victim mother is the applicant of services, later claims to be a victim of sexual abuse by the alleged father and does not wish to proceed with establishment.

- ◆ If you have not started an action, do not proceed. Close the case using the "REQU" closure code. See, 9-I, [Case Closure](#) for more information.
- ◆ If you started an action, end the action and inform the parties the reason for ending the action. Close the case using the "REQU" closure code. See, **9-I Case Closure** for more information.
- ◆ If you started an action and a court hearing is:
 - Scheduled, work with your office attorney to ask the court to cancel the hearing date.
 - Held, work with your office attorney to ask the judge to take the appropriate action; only ask the judge to dismiss the case in rare circumstances.
 - After the disposition, if the judge did not order paternity or support, close the case using the "REQU" closure code. See **9-I, Case Closure** for more information.

NOTE: See MAPPS reference document for procedures when the minor victim is the alleged father.

Minor Alleged Father

If the alleged father on the case is a minor, do not start an establishment action. Consult your supervisor and office attorney regarding how to proceed with the case.

Incarcerated Alleged Father

The Unit cannot enter a default order against an incarcerated alleged father. If the incarcerated alleged father does not appear in the 252 action, seek a consent order for paternity, current, medical, and accrued (if appropriate) support from him using form 470-4084, *Child Support Declaration*.

An alleged father incarcerated in a county jail may be served by a sheriff or may accept service. An alleged father incarcerated in the state penal system can accept service, or the service can be processed through the warden's office.

If the mother is also a respondent to the action and the incarcerated alleged father consented to the order, the mother also needs to consent to the order by signing the Child Support Declaration form. If the alleged father consents to the order, but the mother will not consent to the order, wait until the time frames expire and submit the order and the other necessary forms to the Unit attorney for presentation to the court.

Disestablishing Paternity

Legal reference: Iowa Code Sections 598.21 and 600B.41A, 441 IAC 99.36-99.39

Paternity disestablishment is a legal process through which a man legally determined to be the father (through an administrative paternity order, marriage, or his having signed a paternity affidavit, or his open statement in court) can overcome paternity. A parent or legal representative of the parents or child can initiate an action to disestablish paternity. (See 10-D, [Disestablishment of Paternity](#)).

Responding Interstate

Legal reference: 45 CFR 303.7(d) 2)

You can use the administrative paternity establishment process in responding interstate cases as long as the mother has signed an affidavit. When an incoming paternity case is received, review the packet to ensure form 470-3474, *Declaration in Support of Establishing Parentage*, signed by the mother is included. Form 470-3474 signed by the mother in the UIFSA packet serves as the *Mother's Written Statement Alleging Paternity* and is sufficient to begin the administrative process. If the mother did not sign the affidavit, and she did not sign and return the *Mother's Written Statement Alleging Paternity*, the Unit cannot use the ADPAT process to establish paternity and support.

Before making any entries on the ADPAT screen, remember to link the INTERSTA screen to the ADPAT process. If ICAR already generated a *Mother's Written Statement Alleging Paternity*, end the ADPAT process screen. Link the INTERSTA screen to a new ADPAT process. The mother in the other state has the same rights as a mother in Iowa (e.g., to contest paternity establishment or to challenge genetic test results).

Follow the steps outlined in this chapter with two exceptions:

- ◆ The responding state schedules genetic testing for all parties. Generate form 470-3317, *Administrative Order for Genetic Testing*, for the alleged father, mother and child. Send the 470-3317 for the mother and child to the initiating state. The responding state pays for the genetic testing.
- ◆ Send forms 470-3310, *Notice to the Mother of Intent to Establish Paternity (and Support)*, 470-2640, *Child Support Guidelines Worksheet*, and 470-2950, *Child Support Guidelines Worksheet Cover Letter*, to the initiating state child support agency rather than to the mother herself.

NOTE: If Iowa is the initiating state, the ADPAT process cannot be used.

Handling Interstate

The INTERSTATE (Y/N) field on ADPAT indicates whether the payee in this case is located in a state other than Iowa and that Iowa is providing establishment services to the payee through that other state (specified in the INITIATING STATE field).

This is a "view-only" field. It is updated from information entered on the INTERSTA screen. Create this link by entering "PAT" in the REFERRAL TYPE field and "ADPAT" in the PROCESS field on the INTERSTA screen, accessing ADPAT, and adding the process.

A "Y" entry indicates this is an interstate case and "N" indicates this is not an interstate case.

Out-of-State Alleged Father

Legal reference: Iowa Code Sections 252K.201

To establish an Iowa order against an alleged father who resides outside Iowa, certain minimum contacts must exist between the alleged father and the state of Iowa. What constitutes a minimum contact is established in UIFSA. (See [Long-Arm Jurisdiction](#).)

Transferring Files

When the payee moves during the administrative paternity process and the alleged father has not been located, transfer the file to the new office to proceed with location and to continue with the pending action.

If the payee moves after the alleged father has been served, continue the action in the county where the action began. Transfer the file once the administrative paternity action has ended.

Paternity Established For Some But Not All Children

To establish a paternity and support order when paternity is established for some but not all children on the case, initiate one action for all children by filing 470-2698, *Petition to Establish Paternity, Current and Accrued Support*, under chapter 252A alleging a duty of support for all of the children. The Unit cannot use the administrative paternity process when paternity is established for some but not all children on the case.

When the final order is prepared, include a provision in the order that the Respondent is legally and judicially established as the father of any children for whom paternity is at issue.

Undocumented Citizens

Child support regulations do not require that a person be a legal citizen of the United States to receive or pay child support. Establish paternity and child support as usual if any member of the family is an undocumented citizen.