

THE SUPPORTING STATEMENT

The Office of Management and Budget (OMB) requires that for approval under the Paperwork Reduction Act a Supporting Statement must be prepared in the format specified below. Information in the Supporting Statement should be provided in a manner that is responsive to the OMB instructions, and each item must be identified using the numbering system given by OMB. If the Supporting Statement exceeds 10 single-spaced pages in length, there should be a summary not exceeding one page in length which precedes it.

Every effort should be made to keep the Supporting Statement to a length of 10-12 pages. When possible, detailed information should be placed in an attachment, which is then referenced in an appropriate place in the Supporting Statement so that interested reviewers can peruse it. Each attachment should be referenced in the text, so that a reviewer knows why it has been included and which portions may be of particular interest. Brevity and clarity with respect to both the text of the Supporting Statement and any attachments are highly desirable; only the information requested by the OMB outline and needed to understand the project should be included.

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must be entered in worksheet I. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

- A. **Justification.** Requests for approval shall:
1. **Circumstances Making the collection of Information Necessary**

Voluntary Establishment of Paternity (0970-0175)

Section 331 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 amended section 466(a)(5) of the Social Security Act to impose new statutory requirements for a voluntary paternity acknowledgement process and to require the Secretary to promulgate regulations governing voluntary paternity establishment services and identifying the types of entities other than hospitals and birth record agencies that may be allowed to offer voluntary paternity establishment services. States are required to adopt laws and procedures that are in accordance with statutory and regulatory provisions.

Section 303.5(g) (2) (i) (A) of the regulations requires the hospitals, birth record agencies, and other entities participating in the State's voluntary paternity establishment program to provide both the mother and alleged father, if he is present, written materials about paternity establishment. Section 303.5(g) (5) (i) of the regulations requires the State to provide to all hospitals, birth record agencies, and other entities participating in the State's voluntary paternity establishment program written materials about paternity establishment.

Section 304.20(b) (2) establishes that the services and activities for which Federal financial participation will be available shall be those made pursuant to the approved title IV-D State plan which are determined by the Secretary to be necessary expenditures properly attributable to the Child Support Enforcement program including the costs of developing and providing to hospitals, birth record agencies and other entities participating in the State's voluntary paternity establishment program written and audiovisual materials about paternity establishment and forms necessary to voluntarily acknowledge paternity.

Prior to the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, OBRA '93 required States to pass laws ensuring a simple civil process for voluntarily acknowledging paternity under which the State must provide that the rights and responsibilities of acknowledging paternity are explained. However, there was no specific requirement that these rights be explained in

writing.

2. Purpose and Use of the Information Collection

The information is to be used by hospitals, birth record agencies and other entities participating in a State's voluntary paternity establishment program. There is no requirement that this information be reported in any form to the Federal government. This is not an information collection, but the burden associated with a third party disclosure under #0970-0171.

3. Use of Improved Information Technology and Burden Reduction

The information does not have to be collected, nor does it have to be collected through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

4. Efforts to Identify Duplication and Use of Similar Information

If the necessary information to inform mothers and putative fathers of their rights already exists, States are welcome to use it. There is no need for new information to be developed if States already have a format they are using.

5. Impact on Small Businesses or Other Small Entities

This collection of information does not impact small businesses. The information being requested has been held to the absolute minimum required by the statute and regulations.

6. Consequences of Collecting the Information Less Frequently

The statute requires States to pass laws ensuring a simple civil process for voluntarily acknowledging paternity under which the State must provide that, before a mother and putative father can

sign a voluntary acknowledgement of paternity, the mother and putative father must be given notice, orally and in writing of the alternatives to, the legal consequences of, and the rights (including any rights, if one parent is a minor, due to minority status) and responsibilities of acknowledging paternity. The information can not be provided any less frequently than once to each mother and putative father.

7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5

There are no special circumstances associated with this collection of information.

8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency

The first notice was published in the Federal Register on December 7, 2007 at FR 72 page 69219 and the second notice was published on February 8, 2008 at FR 73 pages 7562 through 7563. We received on request for a copy of the information collection; however, we did not receive any comments.

9. Explanation of Any Payment or Gift to Respondents

There has been and will be no payment or gift to respondents related to this requirement. The regulations allow payments of up to \$20.00 to hospitals, birth record agencies and other entities participating in the State's voluntary paternity establishment program for each voluntary acknowledgement of paternity recorded, but this is unrelated to this information collection.

10. Assurance of Confidentiality Provided to Respondents

The confidentiality of the acknowledgments is determined by State law and practice. We assume States will make every appropriate effort to protect these documents as they do other documents containing sensitive and private data.

11. Justification for Sensitive Questions

Not applicable.

12. Estimates of Annualized Burden Hours and Costs

Informal discussion with our State partners and with some providers of in-hospital voluntary paternity establishment services conducted under the requirements of OBRA 1993 yield an estimate that it takes an average of about 10 minutes (.166 hours) to inform parents who are about to voluntarily acknowledge paternity of their rights and responsibilities. It is more difficult to estimate the amount of time needed to train staff to inform parents of their rights and responsibilities. Some hospitals have regularly scheduled training classes and some States and localities have developed fairly elaborate training materials for hospital personnel, while other hospitals rely on informally training staff as turnover requires and use informal resources to provide the training. Based on discussions with some of our partners, we estimate that training takes approximately two hours and occurs approximately four times a year at each location where the State is offering voluntary paternity services. Given the small size of some locations, we assume a State will choose to invite staff from several sites to some central location for training. We estimate that 5 percent or fewer of the potential disclosers will actually provide voluntary paternity establishment services and that staff in each of these offices will need to be trained quarterly due to staff turnover. Therefore, we estimate that the staffs of no more than 118,000 disclosers will need to be trained and that that training can take place in approximately 200 training sessions held quarterly. The estimate of the burden for these training sessions is per entity, not per disclosure.

Number of Disclosers

The American Hospital Association reports that there were 5747 private and public hospitals in 2006, the most recent year for which there is complete data. We have decided to use the number of counties in the country in lieu of the number of birth record

agencies, TANF agencies, Food Stamp offices, and child support agencies. In February 2007, there were 3143 counties in the 50 States. The American Bar Association reports that there were 1,143,358 licensed lawyers in the country in 2007. The American Medical Association reports that in 2000, there were 813,770 licensed doctors in the country. According to the 2005 Child Care Licensing Study: Final Report, there were 335,520 licensed facilities in the United States. In the past, we spoke with members of the child care resource and referral community to arrive at our estimate of 500 child care resource and referral centers. We decided to use the number of Supplementary Feeding Programs for Women, Infants and Children (WIC centers) as an estimate of the number of public health clinics. According to the PC2000 Executive Summary, in 200 there were 2,196 WIC centers. Previously, staff of the Department of Health and Human Services helped us to arrive at our estimate of 1,158 Community Action Agencies. According to the Head Start Program Fact Sheet, which is located on the Administration for Children and Families' website, there were 18,875 Head Start centers in 2006.

Number of Disclosures per Discloser

In addition to making voluntary paternity establishment services more broadly available, under the requirements of PRWORA, entities participating in a State's voluntary paternity establishment program have been able to help parents of newborn and older children establish paternity. ACF's data indicates that there were 1,025,521 paternities voluntarily established in hospitals in 2006, the most recent year for which complete data is available. This represents a significant increase from our last OMB submission for this information collection. In that same year, there were 1,083,255 out-of-wedlock births nationally. This means that putative fathers voluntarily acknowledged paternity in approximately 95 percent of out-of-wedlock births. This represents a 34 percent increase from 64 percent in our 2005 supplementary statement.

By making voluntary paternity establishment available more broadly, such as in birth record agencies, community action agencies, and WIC centers and by encouraging the establishment of paternity for older children, the number of paternities established will continue to increase. We estimate that the majority of voluntary paternities will continue to be established in hospitals and that the second largest number of voluntary paternities will be established in TANF agency offices.

Therefore, we estimate that of the 1,025,521 paternities voluntarily established in 2006, 512,760 were established in hospitals, 256,380 were established in TANF agency offices, and the remainder was approximately evenly divided among the remaining entities.

Estimate of Burden Cost

The disclosure is made by State employees and employees of private hospitals and employees of other entities participating in a State's voluntary paternity establishment program. Based upon the previous submission, we estimate the hourly wage of employees providing this information and training to be approximately \$7.00 per hour. If 1,025,521 paternities will be voluntarily established, it will take 170,236.48 hours to perform the information collection or \$1,191,655.30. Training, if performed 200 times quarterly will take approximately 1600 hours or \$11,200 annually.

13. Estimates of Other Total Annual Cost Burden to Respondents and Record Keepers

There are no capital or start-up costs associated with this information collection. It will not be necessary to buy any new equipment or rent record storage facilities. There are no direct monetary costs to disclosers other than their time to participate in the disclosure.

14. Annualized Cost to the Federal Government

Federal Financial Participation (FFP) is available at a rate of 66% to partially reimburse States for the cost of various expenditures related to child support enforcement. We estimate that as a result of changes brought about by PRWORA, the cost to the Federal government for reimbursing States for expenditures related to voluntary paternity establishment in hospitals, birth record agencies and other entities participating in the State's voluntary paternity establishment program would be approximately \$14,330,768 (66% of training costs + disclosure costs + \$20 x the number of paternities established). However, there would be a net savings to the Federal government because of costs avoided by not

having to go through a court-based paternity establishment process. There is no Federal hourly burden associated with this information collection.

15. Explanation of Program Changes or Adjustments

There will be a 163,478 increase in responses and a 27,137 increase in burden hours based on an increase in the number of paternities voluntarily established. This was due to an increase in the number of babies born out of wedlock.

16. Plans for Tabulation and Publication and Project Time Schedule

Not applicable.

17. Reason(s) Display of OMB Expiration Date is Inappropriate

Not applicable because there is no Federal form.

18. Exceptions to Certification for Paperwork Reduction Act Submission

There are no exceptions to the certification statement.