

## THE SUPPORTING STATEMENT

### Specific Instructions

#### A. Justification. Requests for approval shall:

##### 1. Circumstances Making the collection of Information Necessary Required Data Elements for Paternity Establishment Affidavits (0970-0171)

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 452(a)(7) of the Act as amended by section 331 of Public Law 104-193 (42 U.S.C. 652(a) (7)) requires the Secretary of the Department of Health and Human Services to specify the minimum requirements of an affidavit to be used for the voluntary acknowledgment of paternity which shall include the social security number of each parent. In addition, section 466(a) (5) (C) (iv) of the Act as amended by section 331 of Public Law 104-193 requires States to enact laws requiring the development and use of an affidavit for the voluntary acknowledgement of paternity which includes the minimum requirements of the affidavit specified by the Secretary and to give full faith and credit to such an affidavit signed in any other State according to its procedures. The minimum data elements the Secretary is specifying are:

- the current full name of the mother, father, and child;
- the social security number of the mother and father;
- the date of birth of mother, father and child;
- the address of the mother and father;
- birthplace of the child;
- a brief explanation of the legal significance of signing a voluntary paternity affidavit and a statement that both parents have 60 days to rescind the paternity acknowledgement affidavit;
- a clear statement signed by both parents indicating they understand that signing the paternity acknowledgement affidavit is voluntary and that they understand what their rights, responsibilities, alternatives and consequences are;

- signature lines for mother and father; and
- signature lines for witnesses or notaries.

## **2. Purpose and Use of the Information Collection**

**The information will be used by State birth record agencies and State Child Support Offices, if needed, to establish child support orders and locate parents for purposes of collecting child support.**

## **3. Use of Improved Information Technology and Burden Reduction**

The statute does not dictate the format States must use to collect this information. It can be collected and distributed electronically or in paper form.

## **4. Efforts to Identify Duplication and Use of Similar Information**

**States must ensure that their existing affidavits contain the minimum required data elements and any optional elements the State may choose.**

## **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 enact laws requiring the development and use of an affidavit for the voluntary acknowledgement of paternity which include the minimum requirements of the affidavit specified by the Secretary and to give full faith and credit to such an affidavit signed in any other State according to its procedures. One affidavit needs to be filled out for each paternity established.

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

There are no special circumstances regarding the collection of this 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 September 29, 2010 at FR 75 page 60129. We received several requests for a copy of the information collection; however, we did not receive any comments to the Federal Register notice. The state child support directors and other interested parties were notified that the form was being renewed and informed to forward any comments.

## **9. Explanation of Any Payment or Gift to Respondents**

There is no payment associated with the affidavit to acknowledge paternity. 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**

The affidavit to acknowledge paternity contains several data elements related to personal information about the parents and child. These questions are asked specifically to collect information that could be used to identify and locate the noncustodial parent if that becomes necessary to collect child support at a later date. These questions are not excessively personal in nature and the information will only be used to identify and locate noncustodial parents.

## **12. Estimates of Annualized Burden Hours and Costs**

Our State partners estimate that it takes approximately 10 minutes (.166 hours) to help parents fill out an affidavit to be used for the voluntary acknowledgment of paternity. One affidavit is filled out for each paternity established.

Number of Disclosers

The American Hospital Association reports that there were 5815 private and public hospitals in

2008, 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 1,180,386 licensed lawyers in the country in 2008. The American Medical Association reports that in 2008, there were 921,904 licensed doctors in the country. According to the 2008 Child Care Licensing Study: Final Report, there were 329,882 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 PC2002 Executive Summary, in 2002 there were 2,164 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 49,200 Head Start classrooms in 2009.

#### 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 1,167,097 paternities voluntarily established in hospitals in 2009, 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 1,189,119 out-of-wedlock births nationally. This means that putative fathers voluntarily acknowledged paternity in approximately 98 percent of out-of-wedlock births.

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 1,167,097 paternities voluntarily established in 2009, 583,549 were established in hospitals, 291,774 were established in TANF agency offices, and the remainder was approximately evenly divided among the remaining entities.

#### Estimate of Burden Cost

The monetized cost is \$50 times 198,406.49 hours, or \$9,920,300.

#### ANNUAL BURDEN ESTIMATES

INSTRUMENT	NUMBER OF RESPONDENTS	NUMBER OF RESPONSES PER RESPONDENT	AVERAGE BURDEN HOURS PER RESPONSE	TOTAL BURDEN HOURS
IC1,167,097	1	0.17	198,406.49	

**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**

**There is no annualized cost to the Federal Government associated with this information collection.**

**15. Explanation of Program Changes or Adjustments**

There was an increase in the number of out-of-wedlock births and an increase in the number of unwed fathers that established paternity.

**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.

SUPPORTING STATEMENT:

**PART B – COLLECTION OF INFORMATION EMPLOYING  
STATISTICAL METHODS**

The information collection requirements outlined in this report do not employ the use of statistical methods.