

THE SUPPORTING STATEMENT

Specific Instructions

PART A – Justification

A. 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 (P.L. 104-193) amended section 466(a)(5) of the Social Security Act to impose new statutory requirements for a voluntary paternity acknowledgment process. It requires 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 PRWORA 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 PRWORA requires States to enact laws requiring the development and use of an affidavit for the voluntary acknowledgment of paternity which includes the minimum requirements of the affidavit specified by the Secretary under section 452(a)(7) 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:

- Current full name of the mother, father, and child;
- Social Security Number of the mother and father;
- Date of birth of mother, father, and child;
- Address of the mother and father;
- Birthplace of the child (city, county, and state);
- 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 acknowledgment affidavit;
- A clear statement signed by both parents indicating they understand that signing the paternity acknowledgment 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 acknowledgment 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 August 07, 2013 in Volume 78, Number 152 on page 48171. The comments received can be combined into three basic comments:

- **Comment:** Comments in support of adding additional elements (e.g., availability of medical insurance, father’s employment, marital status, gender of the child, parent email address and cellular phone number, father’s last name at birth)
Response: States can use any additional elements they choose to meet their program needs.
- **Comment:** Comments recommending additional clarifications, disclosures, or statements be included with the purpose of making sure the signatories fully understand what they are signing, what the affidavit process involves, and what their rights are.
Response: We encourage states to include statements, disclosures, and other instructions on the forms they design that would meet their program needs.
- **Comment:** Comments in support of a standard form for states to use especially to streamline the process of paternity establishment affidavits that involve multiple states.
Response: While a standard form has advantages especially in cases where paternity establishment involves multiple states, we are not requiring such a form to allow states flexibility in designing their form that would meet their program needs most effectively.

Additionally OCSE received several comments regarding paternity disestablishment. OCSE does not have any regulations or official policy on this topic which is outside the scope of this PRA.

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 acknowledgment 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. Therefore, information collected as part of the proposed data elements for paternity establishment affidavits will have the same protections afforded by each state to other documents containing similarly 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.

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 5,724 private and public hospitals in 2011, 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 3,143 counties in the 50 states. The American Bar Association reports that there were 1,268,011 licensed lawyers in the country in 2013. The American Medical Association reports that in 2010, there were 954,224 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 2012 Survey of WIC Participants, there were 2,300 WIC centers. Previously, staff of the Department of Health and Human Services helped us to arrive at our estimate of 1,600 Community Action Agencies (Grantees).

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 1,113,719 paternities voluntarily established in hospitals in 2010, the most recent year for which complete data is available. This represents a decrease from our last OMB submission for this information collection. In that same year, there were 1,445,399 out-of-wedlock births nationally. This means that putative fathers voluntarily acknowledged paternity in approximately 77 percent of out-of-wedlock births.

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 1,113,719 paternities voluntarily established in 2010; 556,860 were established in hospitals, 278,430 were established in TANF agency offices, and the remainder was approximately evenly divided among the remaining entities.

Estimate of Burden Cost

The monetized burden cost is \$50 times 189,332.23 hours, or \$9,466,612.

The monetized respondent cost is \$8.50 times 1,113,179 respondents or \$9,466,612.

ANNUAL BURDEN ESTIMATES

INSTRUMENT	NUMBER OF RESPONDENTS	NUMBER OF RESPONSES PER RESPONDENT	AVERAGE BURDEN HOURS PER RESPONSE	TOTAL BURDEN HOURS
IC	1,113,719	1	0.17	189,332.23

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

With the following assumptions:

- 1 hour per state to go to the state website, look up the form, document the elements that are use and confirm the information with the state.
- Cost of the federal analyst is \$33.06 per hour.

The cost to the Federal Government would be \$1,785.24.

15. Explanation of Program Changes or Adjustments

There are no program changes.

There was an adjustment due to the increase in the number of out-of-wedlock births and a decrease in the number of unwed fathers that established paternity. The decline is attributed to fewer acknowledgements being signed in the hospital.

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.