

THE SUPPORTING STATEMENT

Specific Instructions

A. Justification

1. Circumstances Making the Collection of Information Necessary Voluntary Acknowledgment of Paternity and Required Data Elements for Paternity Establishment Affidavits (OMB 0970-0171)

Please note: In the past, OCSE submitted the Voluntary Acknowledgment of Paternity (OMB 0970-0175) and Required Data Elements for Paternity Establishment Affidavits (OMB 9070-0171) PRA requests as separate PRA packages. Since they were both related to the voluntary acknowledgment of paternity process and processed within the same PRA timeframes, OCSE decided to consolidate and submit them in one PRA package with one OMB number. The new PRA package is titled Voluntary Acknowledgement of Paternity and Required Data Elements for the Paternity Establishment Affidavit (OMB 0970-0171). For the new PRA request, we broke out the burden hours into four distinct activities to make it easier to assess the burden. These activities are training, paternity acknowledgment services, data elements, and ordering brochures. (See the burden estimate table under item 12.) In the past, there were no forms associated with the two PRA requests; similarly, there are no forms associated with this request.

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 (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 identify 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 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 PRWORA, the Omnibus Budget Reconciliation Act of 1993 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.

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 State-developed affidavit is to be used by hospitals, birth record agencies, and other partners participating in a State's voluntary paternity establishment program. The required data elements included on the affidavit provide information which will be used to establish child support orders and locate parents for purposes of collecting child support. There is no requirement that this information be reported in any form to the Federal government.

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 annual report data indicate that there were 1,512,329 non-marital births in 2015, the most recent year for which complete data is available. In that same year, there were 1,072,223 paternities voluntarily established. This means that putative fathers voluntarily acknowledged paternity in approximately 71 percent of non-marital births.

3. Use of Improved Information Technology and Burden Reduction

The statute does not dictate the format states must use for the affidavit. The required data elements can be collected electronically or in paper form. The paternity affidavit may be transmitted electronically or in paper form, according to state policy and procedure. Note that the paternity affidavit has to be witnessed.

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. If the necessary information to inform mothers and putative fathers of their rights already exists in another format, States do not need to develop new information.

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 ensuring a simple civil process for voluntarily acknowledging paternity via an affidavit. The State must provide that, before a mother and putative father can sign a voluntary acknowledgment 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. One affidavit needs to be filled out for each paternity established and the information cannot be provided any less frequently than once to each mother and putative father. The development and use of an affidavit for the voluntary acknowledgment of paternity would include the minimum requirements specified by the Secretary and to give full faith and credit to such an affidavit signed in any other State according to its procedures.

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 27, 2016 in Volume 81, Number 187 on page 66285. In addition, we sent out a notice about the opportunity to comment to the child support enforcement community via a Dear Colleague Letter (DCL-16-20).

Based on the comments we received in response to the 60-day notice, we have determined we need to address issues related to the establishment of parentage for children born to same sex couples and tribal ancestry. In addition, the Uniform Law Commission has authorized a drafting committee to propose revisions to the Uniform Parentage Act (UPA), as a result of recent case law related to same sex families. The required data elements may need to be revised for same sex couples, but making such a change prior to approval of the revised UPA would be premature. A data element identifying tribal ancestry may need to be included in the future, but we will need more time to research this issue and to understand how the data would be used. We would not make such a change relating to tribes without research and discussion with tribes.

We are requesting approval of the current information request without making the above described changes. Once we complete the analysis of the issues, and once the revised UPA has been approved, we may propose changes to the affidavit and data elements and request public comments under the Paperwork Reduction Act.

9. Explanation of Any Payment or Gift to Respondents

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 voluntary acknowledgment of paternity or paternity establishment affidavit 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

After explaining how we determined the number of partners, this section explains how the burden hours were divided into four activities for this combined PRA request: training, paternity acknowledgment services, the required data elements, and ordering the brochures to share with applicants.

Number of Partners:

In order to calculate the burden, we first need to determine the number of partners involved in paternity acknowledgment activities. The American Hospital Association reports that there were 5,627 private and public hospitals in 2014, the most recent year for which there is complete data. We decided to use the number of counties in the country in lieu of the number of birth record agencies, TANF agencies, SNAP offices, and child support agencies. In July 2009, there were 3,143 counties in the 50 states. The American Bar Association reports that there were 1,300,705 licensed lawyers in the country in 2015. The Federation of State Medical Boards reports that in 2014, there were 916,264 actively practicing licensed doctors in the country. According to the 2014 Child Care Licensing Study there were 376,326 licensed facilities in the United States. Child Care Aware of America, funded by the Office of Child Care, estimates over 400 child care resource and referral centers. We decided to use the number of Supplementary Feeding Programs for Women, Infants and Children (WIC clinic sites) as an estimate of the number of public health clinics. According to the USDA, FNS, WIC At-A-Glance website, updated February 2015, there were 1,900 WIC clinic sites. According to the 2015 National Head Start Fact Sheet, there were 2,631 Head Start Grantees. In short, adding all these entities together, there are approximately 2,606,596 possible partners.

Training:

These partners train staff to inform parents of their rights and responsibilities under the paternity acknowledgment program. 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 a discussion with one of our partners, we estimate that training takes approximately one hour and is updated when the states make changes to the forms or processes. 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.

Based on historical data, we estimate that 5 percent or fewer of the potential partners will actually provide voluntary paternity establishment services and that staff in each of these offices will need to be trained annually. Therefore we estimate that the staff of no more than 130,330 partners will need to be trained and that training can take place in approximately 200 training sessions held annually. (The one hour estimate of the burden for these training sessions is per entity, not per disclosure). Per partner the average time it takes to conduct training is 1 hour. This results in total burden hours of 130,300.

Paternity Acknowledgment Services:

The second activity, paternity acknowledgment services, describes the process for partners to inform parents of their rights and responsibilities, provide written materials, and witness the signatures on a completed form. In discussions with our state partners and providers of in-hospital voluntary paternity establishment services, we estimate that it takes approximately 10 minutes (.17 hours) to provide these services. Therefore, we calculate the burden as 2,606,596 partners (as detailed above) by one response per partner times .17 hours to be 443,121 total burden hours.

Data Elements:

There is one set of data elements defined by the Secretary of Health and Human Services that is required for all 54 states to use. It takes one hour to create the state affidavit. This equates to 54 total burden hours.

Ordering Brochures:

We do not have data on the number of brochures that are ordered each year. We believe that some disclosers (large hospitals) may place orders once or twice a year for brochures, while most community-level agencies obtain free copies of these previously-produced brochures over time. To estimate the number of copies of brochures ordered, we used the total number of partners (as detailed above). We estimate approximately 5 minutes to order the brochures on average. This equates to 208,528 total burden hours.

Annual Burden Hours

INSTRUMENT	NUMBER OF RESPONDENTS /PARTNER	NUMBER OF RESPONSES PER RESPONDENT /PARTNER	AVERAGE BURDEN HOURS PER RESPONSE	TOTAL BURDEN HOURS
Training	130,300	1	1	130,300
Paternity Acknowledgment Services	2,606,596	1	0.17	443,121
Data Elements	54	1	1	54
Ordering Brochures	2,606,596	1	.08	208,528

Total Hours

782,003

Estimate of Annual Burden Cost:

Training costs are estimated at 130,330 hours of training at \$22.41 each or \$2,920,695.

The monetized cost of the paternity acknowledgment process is 2,606,596 partners at \$3.81 or \$9,931,131.

The monetized burden cost of using the data elements to create a State affidavit is 54 states at \$22.41 times 1 hour, or \$1,210.

The monetized cost of purchasing brochures is \$0.40 times 2,700,000 partners rounded to the nearest hundred thousand or \$ 1,080,000.

The total annual burden cost is \$13,933,036.

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

As a conservative estimate, if we round up the number of possible partners to the nearest hundred thousand, 2,700,000, and estimate that state offices provide 2,700,000 copies of the affidavit to acknowledge paternity form to partners at an average cost of \$.40 each, the total is \$1,080,000.

14. Annualized Cost to the Federal Government

Federal Financial Participation (FFP) is available at a rate of 66% of \$13,933,036 (total burden cost) or \$9,195,804 to partially reimburse States for the cost of various expenditures related to child support enforcement plus a cost of \$20 times the number of paternities established (1,072,223) or \$21,444,460 for a total cost to the Federal Government of \$30,640,264.

15. Explanation for Program Changes or Adjustments

In the past, OCSE submitted the Voluntary Acknowledgment of Paternity (OMB 0970-0175) and Required Data Elements for Paternity Establishment Affidavits (OMB 9070-0171) PRA requests as separate PRA packages. Since they were both related to the voluntary acknowledgment of paternity process and processed within the same PRA timeframes, OCSE decided to consolidate and submit them in one PRA package with one OMB number. The new PRA package is titled Voluntary Acknowledgement of Paternity and Required Data Elements for the Paternity Establishment Affidavit (OMB 0970-0171). For the new PRA request, we broke out the burden hours into four distinct activities to make it easier to assess the burden. These activities are training, paternity acknowledgment services, data elements, and ordering brochures. (See the burden estimate table under item 12.) In the past, there were no forms associated with the two PRA requests; similarly, there are no forms associated with this request.

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 Submissions

There are no exceptions to the certification statement.

B. Statistical Methods

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