

Chapter:	Working with Families in Court	Page 1 of 10
Subject:	Establishing Paternity and Locating Relatives of Children in Custody	
Approved:	James Morse ,Commissioner	Effective: 7/1/04 FINAL
Supersedes:	Social Services Policy No. 88	Dated: 3/31/04

Purpose..... 1

Definition..... 1

Policy..... 2

Identifying Absent Parents and Relatives 2

Locating Absent Parents and Relatives 2

Accessing the Federal Parent Locator System 2

Establishing Genetic Parentage..... 3

Paying for Genetic Testing..... 4

Appendix A: Parent Identification and Location in CHINS Proceedings..... 4

Introduction 4

Parent Identification..... 5

Parent Location..... 7

Purpose


To provide information to staff about the importance of early identification and location of any individuals who may be entitled to assert parental claims to the child; to familiarize staff with the use of the federal Parent Locator service and genetic testing.

Definition

Federal Parent Locator Service (FPLS) -- a data-collection service that derives its information from a network of government computer systems. The FPLS has access to records of the IRS, the Social Security Administration, Department of Defense, National Personnel Records Center, the Department of Veteran Affairs and state employment security agencies.

The FPLS may provide, if available:

- Social Security Number
- Address
- Employer's name and address;
- Wages, benefits and income.

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		88
Chapter:	Working with Families in Court	Page 2 of 10
Subject:	Establishing Paternity and Locating Relatives of Children in Custody	
Approved:	James Morse, Commissioner	Effective: 7/1/04 FINAL
Supersedes:	Social Services Policy No. 88	Dated: 3/31/04

If the person sought is not already in the FPLS database, it takes 60-120 days for the FPLS to complete a search of other federal databases. The FPLS is able to locate parents in response to two out of three requests.

If an individual located by the FPLS is tagged with an "FV", indicating that disclosure of information may jeopardize the safety of a victim of domestic violence, identifying information will be released only to the court. The court may share the information only if the judge determines that further disclosure would not be harmful to the child or to the custodial parent.

Policy

Identifying Absent Parents and Relatives


When a child enters care, the child's social worker will make immediate efforts to identify the child's parents, and any other individuals who may have asserted a parental interest in the child. The Child Benefits Unit will also routinely check child support and other databases for the identity and whereabouts of absent parents when that information has not been entered in the face sheet. The Child Benefits specialist will inform the child's social worker of any information found.

Locating Absent Parents and Relatives

If any of these individuals named above cannot be located, the social worker should commence a diligent search for them. (See Appendix A for strategies for diligent search.)

Accessing the Federal Parent Locator System

If an absent parent's location is unknown, the social worker will request that the Child Benefits Unit utilize the Federal Parent Locator System (FPLS) to locate the parent.

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		88
Chapter:	Working with Families in Court	Page 3 of 10
Subject:	Establishing Paternity and Locating Relatives of Children in Custody	
Approved:	James Morse ,Commissioner	Effective: 7/1/04 FINAL
Supersedes:	Social Services Policy No. 88	Dated: 3/31/04

An FPLS search may also be initiated to locate:

- Identified relatives whose addresses are unknown, to determine whether they are available as placement resources for the child.
- Parents who have not been found previously to give them notice of proceedings in which termination of parental rights is sought or of other legal actions.


To initiate an FPLS search, send Search Application Form (CWYJ-705) in an e-mail message to the Child Benefits Specialist assigned to the district.

Use of the FPLS does not eliminate the responsibility of the social worker to make other diligent efforts to locate absent parents. Such efforts should continue to be made.

Establishing Genetic Parentage

In cases where there is a question about whether or not an individual is the genetic parent of a child, the social worker may request that the Child Benefits Unit (CBU) facilitate genetic testing. Once blood has been drawn at a local site, it takes about 21 days for the results to be completed. The genetic testing procedure is as follows:

1. Social worker requests order for genetic testing from the family court judge.
2. Social worker sends copy of order to the CBU.
3. Social worker works with parties and the CBU to arrange for blood drawing and to obtain information necessary for the testing:
 - Name and address of alleged father, date of birth and social security number; or
 - When any of this information is not available, any identifying information that may facilitate locating the alleged father.
4. CBU calls Genetic Testing Lab to set up dates for drawing at the nearest blood drawing site for each of the parties. CBU contacts the caseworker with the dates and locations of the blood drawing and sends confirmation letters to the parties involved.
5. CBU sends results to all parties. Sends original to the social worker.
6. CBU sends results to the court along with a parentage order.

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		88
Chapter:	Working with Families in Court	Page 4 of 10
Subject:	Establishing Paternity and Locating Relatives of Children in Custody	
Approved:	James Morse ,Commissioner	Effective: 7/1/04 FINAL
Supersedes:	Social Services Policy No. 88	Dated: 3/31/04

Paying for Genetic Testing

The Office of Child Support is responsible to pay for genetic testing if parentage has not yet been established by a court of law. The court may, but is not required, to employ genetic testing to establish parentage.

If parentage has been established by a court of law, the district office is responsible to pay for genetic testing. (Note: Currently, in December 2003, the cost is \$59 per person or \$177 for testing of the mother, father and child.)

Appendix A: Parent Identification and Location in CHINS Proceedings

Introduction

There are several important reasons for identifying and locating potential parental claimants early on in a CHINS case:

- They can be a potential resource for the child.
- They may have rights that must be addressed, particularly before a child can be freed for adoption.
- To ensure that statutory requirements that each parent's rights be dealt with affirmatively do not delay an adoption in the probate court.
- To avoid the anxiety of potential adoptive parents and children when parents who were not notified assert an interest late in the case.
- To ensure that we have important information, including health history, about both parents.

Chapter:	Working with Families in Court	Page 5 of 10
Subject:	Establishing Paternity and Locating Relatives of Children in Custody	
Approved:	James Morse ,Commissioner	Effective: 7/1/04 FINAL
Supersedes:	Social Services Policy No. 88	Dated: 3/31/04

Parent Identification

As mothers carry and bear their children, usually parental identification involves the establishment of paternity. If a court has already adjudicated paternity, that adjudication is conclusive. When that is not the case, more than one person may be legally presumed to be the child's parent. This includes:


- **A person who, without good cause, refuses to submit to genetic testing, as ordered by a court;**
- **A person has who has formally and voluntarily acknowledged parentage under the laws of Vermont or some other state;**
- **A person who has undergone genetic testing and there is a greater than 98% probability that the individual is the biological father of the child; or**
- **A person was legally married to the mother of the child at the time of the child's birth.**

A legal presumption of paternity does not conclusively establish paternity. However, persons with a legal presumption must be considered when trying to ascertain parentage of a child.

In every case, parent identification includes the following tasks:

- **Obtain the child's birth certificate.**
- **Determine whether the mother was married at the time she gave birth to the child.**
- **Determine whether any court has ever entered a parentage or support order or a divorce or adoption decree affecting the child.**

If the child was born while the mother was married, ordinarily, you will not need to look further. Also, if a court has adjudicated paternity as a freestanding order, or as part of an adoption or divorce decree, the court order can ordinarily be relied upon. Even so, remain alert for circumstances that give rise to doubt about the child's paternity (*e.g.*, either spouse denies paternity, husband was not living with wife at time of birth, another male has asserted a claim of paternity, the name of a different man appears on the child's birth

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		88
Chapter:	Working with Families in Court	Page 6 of 10
Subject:	Establishing Paternity and Locating Relatives of Children in Custody	
Approved:	James Morse ,Commissioner	Effective: 7/1/04 FINAL
Supersedes:	Social Services Policy No. 88	Dated: 3/31/04

certificate, etc.) If you learn of any such circumstances, you should follow up. Also, remember, while genetic testing can be extremely accurate, a positive paternity result does not in itself conclusively establish parentage.

Err on the side of caution; answer the following questions:


- **Has any other man filed an acknowledgment of paternity with the appropriate agency in the locality of the child’s birth?¹**
- **Is another man named as the child’s father on the child’s birth certificate?**
- **Has any other man ever openly held himself out as the child’s father?**
- **Has any other man made payments to support the child?**
- **Was the mother married to a man other than the suspected father at the time of the child’s birth?**

If any of these questions can be answered in the positive, follow up.

If the mother was not married at the time of the child’s birth and there has not been an adjudication of parentage, you should ask the mother to identify the child’s father. In addition, consider the following:

- **Has any man ever filed an acknowledgment of paternity with the Chittenden County Probate Court or with the appropriate agency in the locality of the child’s birth?**
- **Is someone named as the child’s father on the child’s birth certificate?**
- **Has any man ever openly held himself out as the child’s father?**

¹ For children born in Vermont, the Putative Father Registry is maintained by the Chittenden County Probate Court. To obtain a search of the registry submit a request in writing to Debra Brunell, Register, Chittenden County Probate Court, P.O. Box 511, Burlington, Vermont 05402. Provide Ms. Brunell with the putative father’s name, his date of birth, if available, the child’s name, and the child’s date of birth. She will perform the search and send you her findings within about a week. For children born in other states, you will need to do some research to find out how to search the appropriate registries. If you run into difficulty, feel free to ask your Assistant Attorney General for assistance.

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		88
Chapter:	Working with Families in Court	Page 7 of 10
Subject:	Establishing Paternity and Locating Relatives of Children in Custody	
Approved:	James Morse ,Commissioner	Effective: 7/1/04 FINAL
Supersedes:	Social Services Policy No. 88	Dated: 3/31/04

Once identified, alleged fathers should be asked to acknowledge (or deny) paternity or submit to genetic testing. If alleged fathers are unwilling to cooperate, it will probably be necessary to request judicial intervention.

Establishing paternity may be complicated when a number of potential fathers are identified. In such cases, paternity testing should be employed to identify the child's parent.

Establishing paternity may also be complicated by the absence of information about possible fathers. There may not be a father named on the child's birth certificate and the mother, for a variety of reasons, may be unwilling or unable to identify a father. When this is the case, it will be necessary to diligently exhaust all reasonable sources for information that might lead to an identification of the child's father. The mother should be carefully interviewed and asked to recall any information that might help her to remember the identities of with men whom she had relations at the time of conception. Family members and friends might also be enlisted in the effort to identify the child's father. In the end, it may well prove to be impossible to establish paternity. Nevertheless, it is critically important that the effort be diligent and ***well-documented***.

Parent Location

Begin efforts to locate absent parents by contacting the Child Benefits Unit (CBU) specialist who serves your district. As described in policy, the CBU has access to tools to help locate parents, including the Federal Parent Locator Service (FPLS). When these efforts are unsuccessful, it will be necessary to employ other strategies.

The following list of other strategies, are available to locate absent parents. While the items on the list may not all be practical in any particular case, you will need try enough of the strategies to satisfy the court that your effort was "diligent."

- **Ask the available parent for information about the whereabouts of the absent parent. Be sure to explain the importance of locating the missing parent and enlist the available parent in the effort to locate the absent parent through inquiries made of relatives and friends.**


Chapter:	Working with Families in Court	Page 8 of 10
Subject:	Establishing Paternity and Locating Relatives of Children in Custody	
Approved:	James Morse ,Commissioner	Effective: 7/1/04 FINAL
Supersedes:	Social Services Policy No. 88	Dated: 3/31/04

- **Contact friends and relatives yourself. Ask for their help in locating the individual.**
- **Utilize nationwide telephone directories and other resources, available on the Internet.**
- **Send a registered letter, return receipt requested, deliver to addressee only, to the parent at all known previous addresses, even if you feel sure that the parent is no longer residing there.**
- **Send letters to the parent in care of all relatives, friends, or employers whose addresses are known.**
- **If you have reason to believe that a parent may be residing in another city but you are unable to determine an exact address, send a letter, to the parent addressed “general delivery” for that city.**
- **If a parent is of Native American heritage and you know his or her tribe, contact the tribe or the Bureau of Indian Affairs.**
- **In some states, the welfare department, Attorney General’s Office, or other agency maintains a central information unit to collect support from separated or divorced parents. Find out if access to that information is available for your purposes.**
- **Similarly, some states maintain their own parent locator services. Find out if you can make use of such services for your purposes.**
- **Request a records check from the state police and appropriate county and city law enforcement agencies. Also, contact the Federal Bureau of Investigation, Records Department, Washington, D.C.**
- **If you have the parent’s social security number, write to the state unemployment office.**
- **With or without a social security number, address a letter contained in an unsealed envelope to the parent, enclosed with your request that it be forwarded, and mail it to:**

Chapter:	Working with Families in Court	Page 9 of 10
Subject:	Establishing Paternity and Locating Relatives of Children in Custody	
Approved:	James Morse, Commissioner	Effective: 7/1/04 FINAL
Supersedes:	Social Services Policy No. 88	Dated: 3/31/04

Social Security Administration
Bureau of Data Processing
Baltimore, MD 21232

- **If the parent has been in prison or you believe that he or she might be, call or write the state prison.**
- **If the parent has a history of mental illness, contact the state hospital.**
- **If the parent has gone to a community college or university, write a letter to the parent in care of the school, and the school will forward it.**
- **If you have reason to believe that the parent has ever belonged to a particular labor union, call or write, giving the name of the last known employer.**
- **Look up the individual's name in the phone book in the last known city of residence. Also, make use of internet people-search tools. If the number of matching names is reasonable, send letters to the listings.**
- **Send inquiries, as applicable, to the following people and agencies:**
 - **Employers (past and present)**
 - **Landlords**
 - **Voter Registration**
 - **Department of Social Services**
 - **Department of Corrections**
 - **Department of Vital Records**
 - **Departments of Probation and Parole**
 - **Department of Child Support Enforcement**
 - **Motor Vehicles Administration**
 - **Utility Companies**
 - **Police Department, Sheriff's Office**
 - **Unemployment Office**
 - **Health Department**
 - **Bureau of Immigration**
 - **Veteran's Administration**
 - **Military Locator Services**
 - **Hunting and Fishing Licensing Bureau**

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		88
Chapter:	Working with Families in Court	Page 10 of 10
Subject:	Establishing Paternity and Locating Relatives of Children in Custody	
Approved:	James Morse ,Commissioner	Effective: 7/1/04 FINAL
Supersedes:	Social Services Policy No. 88	Dated: 3/31/04

Remember, the more information you can supply to a source about the individual you are looking for, the better your chances of success.

Finally, it is of vital importance that you carefully **document** all of your efforts to locate the absent parent: At some point, you may be called upon to file a “diligent search” affidavit, outlining your efforts to locate the individual in question. You will need to outline in the affidavit, all of the efforts you made to find the missing parent.