

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 419064, Rancho Cordova, CA 95741-9064



February 14, 2006

CSS LETTER: 06-04

ALL IV-D DIRECTORS
 ALL COUNTY ADMINISTRATIVE OFFICERS
 ALL BOARDS OF SUPERVISORS

SUBJECT: PATERNITY ESTABLISHMENT WHEN THE ALLEGED NONCUSTODIAL
 PARENT IS DECEASED

This letter establishes policy regarding paternity establishment when the alleged noncustodial parent (NCP) is deceased, and supersedes all prior Child Support Services (CSS) letters and policy interpretations regarding this subject. This policy pertains to paternity establishment when the alleged father is deceased either prior to or after the child's birth and paternity has not been established.

Paternity establishment enables the Department of Child Support Services to secure an order for child and/or medical support. This policy balances the concern that all children receive the help they need in establishing paternity and securing support, while being responsive to administrative concerns for maintaining caseloads that include only those cases in which there is adequate information or likelihood of successfully providing IV-D services.

Establishing Paternity when the NCP dies before a Summons and Complaint has been filed:

When an applicant submits a request for Title IV-D services to establish the paternity of a child after the alleged father is deceased, a summons and complaint shall not be filed by the local child support agency (LCSA) since the establishment of paternity will not result in a child and/or medical support order. The custodial party (CP) or persons with standing may seek the advice of independent legal counsel if he or she chooses to attempt paternity establishment for the purpose of establishing inheritance rights or for other non-IV-D purposes.

Establishing Paternity when the NCP dies after a Summons and Complaint has been filed:

If the alleged father dies after a summons and complaint is filed but before the action has proceeded to judgment, the LCSA shall dismiss and close the case pursuant to Title 22, California Code of Regulations (CCR), Section 118203(a)(2)(A) since the

Reason for this Transmittal

- State Law or Regulation Change
- Federal Law or Regulation Change
- Court Order or Settlement Change
- Clarification requested by One or More Counties
- Initiated by DCSS

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establishment of paternity will not result in a child and/or medical support order. The LCSA is not required to identify assets in the estate pursuant to Title 22, CCR Section 118203(a)(2)(B) since there was no successful establishment of paternity. The LCSA shall make a notation to the file indicating the reason for not identifying the assets. Again, the CP or persons with standing may seek the advice of independent legal counsel if he or she chooses to attempt paternity establishment for the purpose of establishing inheritance rights or for other non-IV-D purposes.

Additionally, the LCSA shall notify the CP as required by Title 22, CCR Section 118203(b) of the intent to close the case, including information on whom to contact to apply for possible Social Security death benefits.

If you have any questions or concerns regarding this matter, please contact Dottie Wallace, with the Policy Branch, at (916) 464-5055.

Sincerely,

s/KAREN ECHEVERRIA

KAREN ECHEVERRIA
Acting Deputy Director
Child Support Services Division