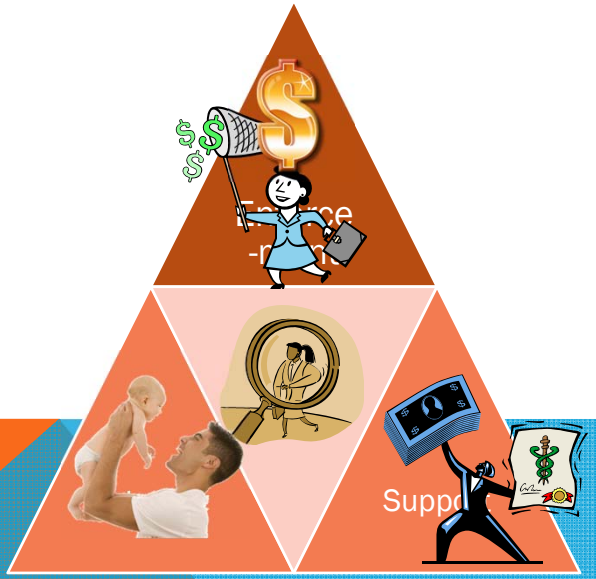
GETTING REAL ABOUT PERMANENT PLACEMENT

SUSAN WILMERINK
ATTORNEY
BUREAU FOR CHILD SUPPORT ENFORCEMENT
REGION 9: HARRISON/ TAYLOR COUNTIES

BUREAU FOR CHILD SUPPORT ENFORCEMENT



PARENTAL LOCATOR SERVICE

OSCAR continually searches for addresses, employers, income and assets.

Federal Parent Locate Services

FIDM

State New Hire Directory

Federal New Hire Directory

Lexis Nexis

ESTABLISHING PATERNITY BY MARRIAGE

Child born of a Marriage—Husband's name will appear on the birth Certificate.

If a child is born within 10 months of divorce, the husband is still the legal father until dis-established.

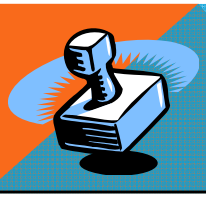
ESTABLISHING PATERNITY BY AFFIDAVIT

- Voluntary
- Both Parents must sign and agree
- Signatures notarized
- Option to change child's name
- Must be accepted by Vital Registration

-Father's name will be added the Birth Certificate

PATERNITY FORMS

1. Declaration of Paternity Affidavit
   - >Mother, Alleged Father
2. Voluntary Denial of Paternity / Affidavit of Nonpaternity
   - >Mother, Husband/Ex-husband



PATERNITY AFFIDAVIT

STATE OF WEST VIRGINIA
DECLARATION OF PATERNITY AFFIDAVIT
All Pen and Ink Changes Must Be Initialed

Vital Registration Office
(304) 558-2931

We, ______________ (Print the Full Name of Mother) and ______________ (Print the Full Name of Father)

Being duly sworn acknowledge that the above named father is the biological father of (Name of child as shown on Certificate of Birth) ______ (First) (Middle) (Last), a ______ (Sex) child born on ______ (Month Day Year) at ______ (Place of Birth, Hospital, etc.) ______ (City) ______ (County), WV, to (mother's maiden name) ______. If birth certificate has already been filed, is the last name to be changed? Yes ___ No ___ If yes, give child's new last name ______

The following is provided for inclusion on the birth certificate: Child's Social Security # (if known): ______

Mother's Date of Birth: ______ Father's Date of Birth: ______

Mother's Place of Birth: ______ Father's Place of Birth: ______

Mother's Social Security #: ______ Father's Social Security #: ______

Mother's Race or Ethnic Origin: ______ Father's Race or Ethnic Origin: ______

Mother's Education: ______ (specify highest level: Elementary 0-12/College 1-4, 5+) Father's Education: ______ (specify highest level: Elementary 0-12/College 1-4, 5+)

Father's Employer: ______

Employer's Address: ______

Father's Medical Insurance Company: ______

Insurance Company Address: ______

Signature of Mother / Date — Signature of Father / Date

Address of Mother (Street or Route Number) / Phone # — Address of Father (Street or Route Number) / Phone #

City or Town / County / State / Zip — City or Town / County / State / Zip

Signature of Parent or Guardian if Mother is under age 18 — Signature of Parent or Guardian if Father is under age 18

EACH NOTARY ACKNOWLEDGMENT MUST BE COMPLETED WITH A NOTARY STAMP FOR EACH SIGNATURE

NOTARY: Subscribed and sworn before me — NOTARY: Subscribed and sworn before me

Notary's Signature — Notary's Signature

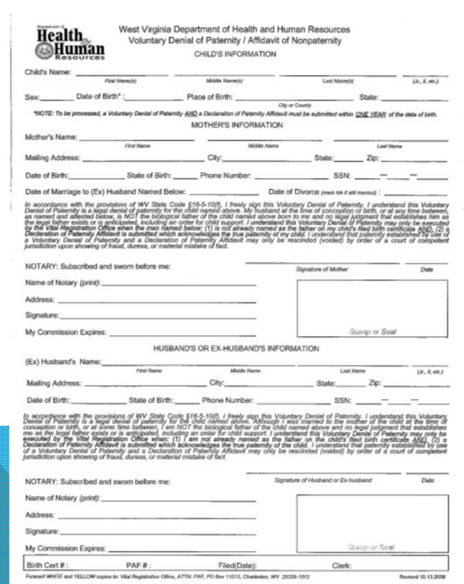
Notary's Address — Notary's Address

Date — Date

My Commission Expires: ______ My Commission Expires: ______

(STAMP) (STAMP)

AFFIDAVIT OF NONPATERNITY



West Virginia Department of Health and Human Resources
Voluntary Denial of Paternity / Affidavit of Nonpaternity

CHILD'S INFORMATION

Child's Name: ______ (First Name(s)) ______ (Middle Name(s)) ______ (Last Name(s)) ______ (Jr., II, etc.)

Sex: ______ Date of Birth*: ______ Place of Birth: ______ (City or County) State: ______

*NOTE: To be processed, a Voluntary Denial of Paternity AND a Declaration of Paternity Affidavit must be submitted within ONE YEAR of the date of birth.

MOTHER'S INFORMATION

Mother's Name: ______ (First Name) ______ (Middle Name) ______ (Last Name)

Mailing Address: ______ City: ______ State: ______ Zip: ______

Date of Birth: ______ State of Birth: ______ Phone Number: ______ SSN: ___–___–___

Date of Marriage to (Ex) Husband Named Below: ______ Date of Divorce (mark NA if still married): ______

In accordance with the provisions of WV State Code §16-5-10(f), I freely sign this Voluntary Denial of Paternity. I understand this Voluntary Denial of Paternity is a legal denial of paternity for the child named above. My husband at the time of conception or birth, or at any time between, as named and attested below, is NOT the biological father of the child named above born to me and no legal judgment that establishes him as the legal father exists or is anticipated, including an order for child support. I understand this Voluntary Denial of Paternity may only be executed by the Vital Registration Office when the man named below: (1) is not already named as the father on my child's filed birth certificate AND, (2) a Declaration of Paternity Affidavit is submitted which acknowledges the true paternity of my child. I understand that paternity established by use of a Voluntary Denial of Paternity and a Declaration of Paternity Affidavit may only be rescinded (voided) by order of a court of competent jurisdiction upon showing of fraud, duress, or material mistake of fact.

Signature of Mother / Date

NOTARY: Subscribed and sworn before me:

Name of Notary (print): ______

Address: ______

Signature: ______

My Commission Expires: ______

Stamp or Seal

HUSBAND'S OR EX-HUSBAND'S INFORMATION

(Ex) Husband's Name: ______ (First Name) ______ (Middle Name) ______ (Last Name) ______ (Jr., II, etc.)

Mailing Address: ______ City: ______ State: ______ Zip: ______

Date of Birth: ______ State of Birth: ______ Phone Number: ______ SSN: ___–___–___

In accordance with the provisions of WV State Code §16-5-10(f), I freely sign this Voluntary Denial of Paternity. I understand this Voluntary Denial of Paternity is a legal denial of paternity for the child named above. Although I was married to the mother of the child at the time of conception or birth, or at some time between, I am NOT the biological father of the child named above and no legal judgment that establishes me as the legal father exists or is anticipated, including an order for child support. I understand this Voluntary Denial of Paternity may only be executed by the Vital Registration Office when: (1) I am not already named as the father on the child's filed birth certificate AND, (2) a Declaration of Paternity Affidavit is submitted which acknowledges the true paternity of the child. I understand that paternity established by use of a Voluntary Denial of Paternity and a Declaration of Paternity Affidavit may only be rescinded (voided) by order of a court of competent jurisdiction upon showing of fraud, duress, or material mistake of fact.

Signature of Husband or Ex-husband / Date

NOTARY: Subscribed and sworn before me:

Name of Notary (print): ______

Address: ______

Signature: ______

My Commission Expires: ______

Stamp or Seal

Birth Cert #: PAF #: Filed(Date): Clerk:

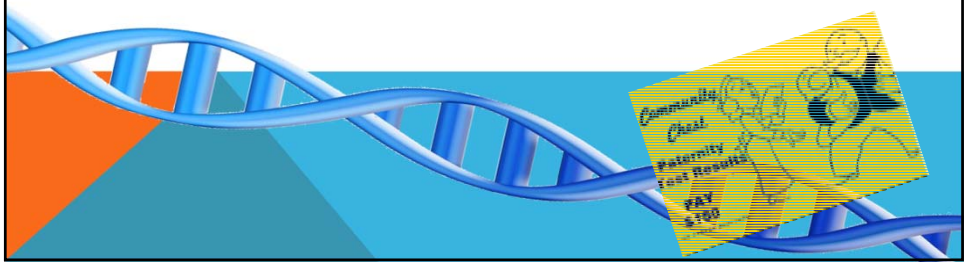
Forward WHITE and YELLOW copies to: Vital Registration Office, ATTN: PAF, PO Box 11012, Charleston, WV 25339-1012 — Revised 10.13.2006

ESTABLISHING PATERNITY BY GENETIC TESTING

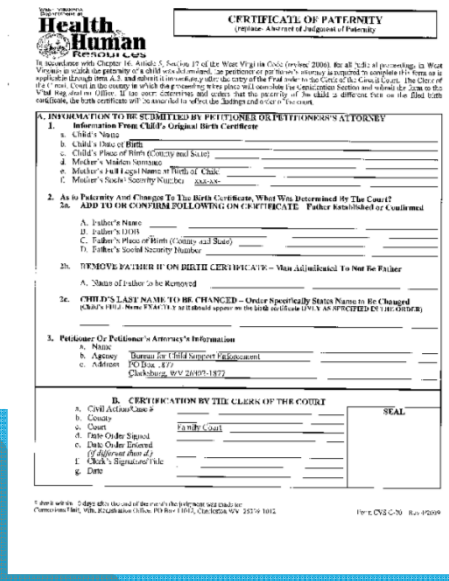
Testing in Lab or BCSE Office

98%+ =Biological Father

Adjudication = Legal Father



CERTIFICATE OF PATERNITY



West Virginia Department of Health & Human Resources

CERTIFICATE OF PATERNITY
(Optional- Abstract of Judgment of Paternity)

In accordance with Chapter 16, Article 5, Section 17 of the West Virginia Code (revised 2006), for all judicial proceedings, in West Virginia in which the paternity of a child is adjudicated, the petitioner or petitioner's attorney is required to complete this form as is applicable through item A.3. and submit it immediately after the entry of the Final order to the Circuit Clerk of the Circuit Court. The Clerk of the Circuit Court in the county in which the proceeding takes place will complete the Certification Section and submit the form to the Vital Registration Office. If the court determines and orders that the paternity of the child is different than on the filed birth certificate, the birth certificate will be issued to reflect the findings and order of the court.

A. INFORMATION TO BE SUBMITTED BY PETITIONER OR PETITIONER'S ATTORNEY

1. **Information From Child's Original Birth Certificate**
   a. Child's Name
   b. Child's Date of Birth
   c. Child's Place of Birth (County and State)
   d. Mother's Maiden Surname
   e. Mother's Full Legal Name at Birth of Child
   f. Mother's Social Security Number xxx-xx-
2. **As to Paternity And Changes To The Birth Certificate, What Was Determined By The Court?**
   2a. **ADD TO OR CONFIRM FOLLOWING ON CERTIFICATE Father Established or Confirmed**
   A. Father's Name
   B. Father's DOB
   C. Father's Place of Birth (County and State)
   D. Father's Social Security Number
   2b. **REMOVE FATHER FROM BIRTH CERTIFICATE – Was Adjudicated To Not Be Father**
   A. Name of Father to be Removed
   2c. **CHILD'S LAST NAME TO BE CHANGED – Order Specifically States Name to Be Changed** (Child's FIRST Name EXACTLY as it should appear on the birth certificate IF NOT AS SPECIFIED IN THE ORDER)
3. **Petitioner Or Petitioner's Attorney's Information**
   a. Name
   b. Agency Bureau for Child Support Enforcement
   c. Address PO Box 1477 Clarksburg, WV 26302-1477

B. CERTIFICATION BY THE CLERK OF THE COURT

a. Civil Action/Case #
b. County
c. Court Family Court
d. Date Order Signed
e. Date Order Entered (If different than d.)
f. Clerk's Signature/Title
g. Date

SEAL

Form CVS-C-70 Rev 4/2009

ESTABLISHING SUPPORT

1. Legal father to establish support
   - BCSE can establish paternity
   - May have records of a legal father.
2. Existing obligations established by Family Court or another jurisdiction
   - OBLG; FCRM
3. BCSE can provide financial information
   - Financial Form, WAGE, NEHR, NDNH
4. BCSE can calculate the Child Support Amount
   - ISSF or Support Calc
   - Even with part time incomes
5. Zero order can later be modified.

JANIS ORDERS

Pages 6-7

Requires parents to fill out Financial Statements within 10 days

Orders an amount of support for each parent to be paid until calculation made or leaves previous Order on file with BCSE in effect

ENFORCING THE COURT ORDER

Community Chest

PAY
CHILD
SUPPORT
$200

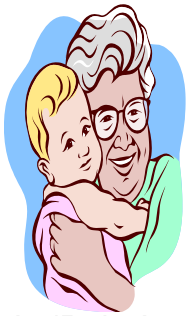
- Income Withholding
- Tax Offset
- Credit Bureau Reporting
- Contempt—Body Attachment
- Criminal Non- Support
- License Suspension

ONGOING CASE BCSE CAN PROVIDE

- Payment History or accounting
- Assistance with pleadings
- Personnel to testify at hearings when subpoenaed for accounting history
- Modify orders when parent is incarcerated, unemployed or partially employed.

CASELOAD MANAGEMENT

Parent



Kinship/Relative

Court Order

Court Order

PERMANENCY

Final Order-Abuse and Neglect Case

- Jurisdiction Determination
- Rule 6 (language regarding return "cohabitating" parents)
- *In re Ryan B.*
- Legal Guardianship or Adoption → Notify BCSE

JURISDICTION

Clear language on which court controls jurisdiction on child support matters.

BCSE West Virginia
BUREAU FOR CHILD SUPPORT ENFORCEMENT