

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P.O. BOX 88

JEFFERSON CITY, MISSOURI

April 22, 2005

MEMORANDUM

What's Inside:

- Responsibility for genetic/paternity testing
- Steps to follow when the Children's Division is requesting the test

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS,
CHILDREN'S DIVISION STAFF AND FAMILY SUPPORT
DIVISION STAFF

FROM: FREDERIC M. SIMMENS, CHILDREN'S DIVISION DIRECTOR
DENISE CROSS, FAMILY SUPPORT DIVISION DIRECTOR

SUBJECT: GENETIC/PATERNITY TESTING

REFERENCE: CHILDREN'S DIVISION / FAMILY SUPPORT DIVISION

DISCUSSION:

Effective October 1, 2004, Paternity Testing Corporation (PTC) became the sole provider of genetic testing services to the Family Support Division (FSD) and the Children's Division (CD). [Ref: CSE-#51 (2004)] Although FSD is not changing its genetic testing policy, CD staff will, under certain circumstances, now be scheduling genetic tests for which CD will have the responsibility for payment.

In the process of terminating parental rights as part of the adoption process or other situations, CD staff receive court orders directing a genetic test to clarify paternity. The Department of Social Services has faced conflicts when the orders' wording directed FSD to conduct genetic testing for children for whom legal paternity had already been established.

FSD will not schedule or pay for genetic tests when the legal paternity of a child has already been established. It is important to understand the definitions FSD uses to define paternity; these definitions can be found in Section IX, Chapter 1 of the Child Support Enforcement (CSE) Procedural Manual on the Intranet. Basically, "legal paternity" is established when:

- An administrative or judicial order determines a man to be a child's father; or
- The parents completed an Affidavit Acknowledging Paternity on the Missouri-born child after July 1, 1997; or

- The parents acknowledged paternity of the out-of-state-born child on an affidavit, filed the affidavit in the state where the child was born, and that state's law provides that a paternity acknowledgment by affidavit establishes a legal finding of paternity.

In these situations, FSD will not schedule or pay for genetic testing. Additional FSD policy on this topic can be found in CSE Procedural Manual, Section IX, Chapter 6. When legal paternity has not been established for the child, FSD will continue to schedule and pay for genetic tests on cases referred by CD staff.

When CD requests or is court ordered to seek a genetic test and FSD is not able to pay for genetic testing, CD will be responsible for scheduling the test and paying for it. In these cases, CD staff should use the following steps:

GENETIC TESTING — NEW CONTRACT

STEPS FOR CHILDREN'S DIVISION STAFF:

I. COURT ORDERED GENETIC TESTING FOR ALLEGED FATHERS

- A. Case Manager (CM) obtains copy of court order.
- B. CM completes referral form, with identifying information including DCN'S for child, alleged father(s) and mother.
- C. CM faxes completed referral form and copy of court order to assigned Central Office staff.

II. CENTRAL OFFICE STAFF (STEVE CRAMER, PH: 573-751-3171, FAX: 573-526-3971, E-MAIL: Steve.W.Cramer@dss.mo.gov)

- A. The assigned Central Office staff reviews in the Missouri Automated Child Support System (MACSS) to see if FSD has established legal paternity for the child or if the child's biological father has already been identified through a genetic test. If the child has a legal father, FSD will not typically have an open case against a different alleged father.
- B. If assigned Central Office staff determines testing has occurred, confirming paternity, and FSD has an open case, the assigned Central Office staff will respond back to the CM specifically "FSD has determined paternity and has an open case."
- C. If the assigned Central Office staff determines paternity has not been established for the child, assigned Central Office staff will update the CM. The CM will then have a referral made to FSD, if appropriate, to schedule and pay for genetic testing. If not appropriate, CD will arrange for genetic testing as in D. and E. below.
- D. If the assigned Central Office staff determines legal paternity has been established against another man and genetic testing has not been conducted, the assigned Central Office staff will assign a specific time, date and place (closest to county of jurisdiction) for testing. Central Office

