

# **Voluntary Acknowledgment of Paternity and Required Data Elements for the Paternity Establishment Affidavit**

**OMB Information Collection Request  
0970 - 0171**

## **Supporting Statement Part A - Justification**

**November 2023**

Submitted By:  
Office of Child Support Services  
Administration for Children and Families  
U.S. Department of Health and Human Services

## **1. Circumstances Making the Collection of Information Necessary**

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 of the Department of Health and Human Services (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.

45 CFR 303.5(g)(2)(i)(A) requires hospitals, birth record agencies, and other entities participating in the state's voluntary paternity establishment program to provide written materials about paternity establishment to both the mother and alleged father, if he is present. 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 are those pursuant to the approved title IV-D state plan that are determined by the Secretary to be necessary expenditures attributable to the Child Support Services program. These necessary expenditures include 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 documents necessary to voluntarily acknowledge paternity.

Section 452(a)(7) of the Act requires the Secretary 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 requires states to enact laws requiring the development and use of an affidavit for the voluntary acknowledgment of paternity that 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 the 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 their rights, responsibilities, alternatives, and consequences;

- Signature lines for parents; and
- Signature lines for witnesses or notaries.

This request is to extend approval of this information collection with no changes to the requirement or data elements. The estimated number of respondents has been updated to reflect current data and therefore the overall total burden estimates have changed. See sections A12 and A15 for additional details.

## **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 that 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. The OCSS preliminary data report for FY 2021 indicates that there were 1,618,412 nonmarital births in 2021. In that same year, there were 1,207,156 paternities voluntarily established. This means that putative fathers voluntarily acknowledged paternity in approximately 75% of nonmarital 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 must be witnessed.

## **4. Efforts to Identify Duplication and Use of Similar Information**

The use of the affidavit is not duplicative. It is used to establish paternity in situations where paternity has not otherwise been determined for a child. 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 formats.

## **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 or through the video or audio equipment, and in writing, of the alternatives to, the legal consequences of, and the rights (including any rights, if a parent is a minor, due to minority status) and responsibilities of acknowledging paternity” (45 CFR 303.5(g)(2)(i)(C)). 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 state must develop and use an affidavit for the voluntary acknowledgment of paternity that includes 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**

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), ACF published a notice in the Federal Register announcing the agency’s intention to request an OMB review of this information collection activity. This notice was published on June 29, 2023, Volume 88, Number 124, page 42075, and provided a sixty-day period for public comment. During the notice and comment period, eight sets of comments were received. The comments indicated that the current data elements are an effective part of the voluntary acknowledgment process. Four commenters suggested OCSS revise the data elements to include gender-neutral terminology. However, due to existing flexibility already allowing states to adopt a gender-neutral voluntary acknowledgment process (see OCSS [PIQ-22-02](#)) and pending regulatory activity on parentage in the child support program, OCSS determined it is not necessary or timely to make changes during this current extension process. OCSS will consider these comments for the future, however. See Attachment A for an overview of the comments and OCSS responses.

**9. Explanation of Any Payment or Gift to Respondents**

Not applicable.

**10. Assurance of Confidentiality Provided to Respondents**

State law and practice address confidentiality of the acknowledgments. 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

To explain how we determined the burden estimate, we first describe the calculation for the number of partners that participate in the voluntary acknowledgment of paternity program and then we explain calculations under the four activities of burden for this information collection request: training, paternity acknowledgment services, the required data elements, and ordering the brochures to share with applicants.

### Number of Partners:

Below are the types and number of possible organizational partners or entities involved in paternity acknowledgment activities:

- **Hospitals:** The American Hospital Association reports that there are 6,129 registered hospitals in 2023.
- **Counties:** In 2023, there are 3,225 counties in the 54 states and territories with IV-D programs (source: Wikipedia: [List](#) of US counties and county equivalents).
- **Lawyers:** The American Bar Association National Lawyer Population Survey for 2022 reports that there were 1,327,010 licensed lawyers in the country.
- **Doctors:** The Federation of State Medical Boards reports that in 2022, there were 1,044,734 licensed doctors in the country.
- **Child Care Facilities:** According to data from the ACF Office of Child Care, there are 221,595 licensed facilities in the United States and territories.
- **WIC Clinics:** We used 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, there are 1,900 WIC clinic sites.
- **Head Start Programs:** According to the National Head Start Association website, there are 2,809 Head Start programs.

In sum, there are approximately 2,604,802 possible partners. We estimate that 5% or fewer of the potential partners will provide voluntary paternity establishment services, for a total of approximately 130,240 partners.

### Training:

The first activity in the burden table is training. Participating partners described above (in total, 130,240) train staff to inform parents of their rights and responsibilities under the paternity acknowledgment program. Some hospitals have regularly scheduled training

classes. Some states and localities have developed more 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 one hour and is updated when the states make changes to the affidavits or processes. Given the small size of some partner 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 staff in the partnering agencies and entities will need to be trained annually. Per partner, the average time it takes to conduct training is one hour. (The one-hour estimate for these training sessions is per entity, not per disclosure). Since there are approximately 130,240 partners providing annual training of one hour, the annual burden is 130,240 hours.

**Paternity Acknowledgment Services:**

The second burden 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 affidavit. 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. According to the OCSS FY 2021 Preliminary Data Report, approximately 1,618,412 children were born to an unmarried mother. Therefore, to calculate the burden for paternity acknowledgment services, we multiplied the number of nonmarital births by .17 hours, resulting in 275,130 annual burden hours.

**Data Elements:**

The next area of burden is the data elements. The Secretary of Health and Human Services has defined one set of data elements that all 54 states are required to use. It takes one hour to create the state affidavit. This equates to 54 annual burden hours.

**Ordering Brochures:**

The final area of burden is the ordering of brochures about the voluntary acknowledgment program. 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 possible partners (2,604,802, as detailed above). We estimate approximately 5 minutes (or .08 hours) to order the brochures on average. This equates to 208,384 annual burden hours.

| Information Collection Title | Total Number of | Annual Number of | Average Burden | Annual Burden | Average Hourly | Total Annual Cost |
|------------------------------|-----------------|------------------|----------------|---------------|----------------|-------------------|
|------------------------------|-----------------|------------------|----------------|---------------|----------------|-------------------|

|                                       | Respondents | Responses Per Respondent | Hours Per Response | Hours          | Wage                                |              |
|---------------------------------------|-------------|--------------------------|--------------------|----------------|-------------------------------------|--------------|
| Training                              | 130,240     | 1                        | 1                  | 130,240        | \$47.98                             | \$6,248,915  |
| Paternity Acknowledgment Process      | 1,618,412   | 1                        | 0.17               | 275,130        | \$47.98                             | \$13,200,737 |
| Data Elements                         | 54          | 1                        | 1                  | 54             | \$47.98                             | \$2,591      |
| Ordering Brochures                    | 2,604,802   | 1                        | .08                | 208,384        | \$47.98                             | \$9,998,264  |
| <b>Estimated Annual Burden Total:</b> |             |                          |                    | <b>613,808</b> | <b>Estimated Annual Cost Total:</b> | \$29,450,507 |

The cost to respondents was calculated using the Bureau of Labor Statistics (BLS) job code for Community Health Workers [21-1094] and wage data from May 2022, which estimates mean hourly wage as \$23.99 per hour. To account for fringe benefits and overhead, the rate was multiplied by two, which is \$47.98. The estimate of annualized cost to respondents for hour burden is \$47.98 times 613,808 hours or \$29,450,508 (on the chart it is \$29,450,507 due to rounding differences).

[https://www.bls.gov/oes/current/oes\\_stru.htm](https://www.bls.gov/oes/current/oes_stru.htm)

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

Another area of cost burden is the cost to the states of creating brochures about the voluntarily paternity acknowledgment program. As a conservative estimate, the number of possible partners rounded to the nearest hundred thousand is 2,600,000. We estimate that state offices provide 2,600,000 copies of the affidavit to acknowledge paternity brochure to partners at an average cost of \$.40 each, totaling \$1,040,000.

### 14. Annualized Cost to the Federal Government

Federal Financial Participation (FFP) is available at a rate of 66% to partially reimburse states for the cost of various expenditures related to child support enforcement. Sixty-six percent of \$29,450,507 (total annual burden cost) is \$19,437,335. There is also a cost of \$20 paid for each paternity established. In 2021, the number of paternities acknowledged was 1,207,156 times \$20 results in a cost of \$24,143,120. Adding these two costs together results in a total cost to the federal government of \$43,580,455.

### 15. Explanation for Program Changes or Adjustments

In the last review of this information collection in 2020, OCSS calculated the total annual burden to be 593,947 hours. In this information collection, we estimate the total annual burden to be 613,808 hours. This adjustment is due to several factors.

- Since 2020, there has been a decrease in the estimated number of partners involved in the voluntary paternity acknowledgment program by about 89,000 entities. This decrease affects the overall burden downward in the rows for training and for ordering brochures on the burden table.
- Since 2020, there has been an increase in the burden for paternity acknowledgment services. In 2020 we estimated the number of nonmarital births for which services would be appropriate was approximately 1.4 million, while in 2023, we estimate the number of nonmarital births to be approximately 1.6 million (based on 2021 data).

These overall changes have resulted in an overall increase of approximately 16,000 annual burden hours.

**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.