

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



December 2, 1996

ALL COUNTY LETTER NO. 96-67

TO: ALL COUNTY WELFARE DIRECTORS  
 ALL IV-D DIRECTORS  
 ALL COUNTY POP COORDINATORS

REASON FOR THIS TRANSMITTAL

- State Law Change  
 Federal Law or Regulation  
 Change  
 Court Order  
 Clarification Requested by  
 One or More Counties  
 Initiated by CDSS

SUBJECT: VOLUNTARY DECLARATION OF PATERNITY IN THE AID TO  
 FAMILIES WITH DEPENDENT CHILDREN (AFDC) PROGRAM

REFERENCE: ASSEMBLY BILL (AB) 1832, (CHAPTER 1062), STATUTES OF 1996

The purpose of this letter is to inform counties of a streamlined procedure for establishing voluntary paternity when the parents are unmarried. Current regulations require unmarried parents to cooperate with the District Attorney's (DA's) Office in establishing paternity through a court hearing. AB 1832 allows unmarried parents to forego the court process by voluntarily signing a declaration of paternity. The major impact to counties will likely occur when the family is intact (with unmarried parents) in the home.

AB 1832 mandates counties to make the Declaration of Paternity (CS 909) available in county welfare departments (CWDs) for parents wishing to voluntarily establish paternity. This provision becomes effective January 1, 1997. Unmarried parents shall be informed of the availability and given the option to sign a CS 909 to establish paternity. Signing of the declaration is not mandatory. However, if unmarried parents choose not to sign the declaration of paternity, they must still cooperate with the DA's Office in establishing paternity for AFDC eligibility purposes.

If the parents volunteer, and there is no conflicting information, the form must be signed by both parents and witnessed by the county worker. Please see Attachment 1 for a copy of the CS 909 and distribution instructions. Appropriate copies of the completed declaration, along with the Support Questionnaire (CA 2.1Q) and the Referral to District Attorney form (CA 371), are sent to the local family support (DA's) office which will forward the declaration to the State Office of Vital Records and Statistics in Sacramento.

**REFERRAL TO THE DISTRICT ATTORNEY'S OFFICE**

Referrals to the DA's Office pursuant to the Manual of Policies and Procedures (MPP) Section 41-403, via the CA 371, shall continue regardless of whether or not the Declaration of

Paternity is signed. Parents who sign the declaration need not be physically referred to the DA. However, a signed voluntary declaration may be rescinded by either parent by filing a rescission with the State Office of Vital Records and Statistics within 60 days of execution or by a judicial proceeding. After this period, a Declaration of Paternity filed with the State Office of Vital Records and Statistics has the same authority as a judgment rendered by a court.

## **MINOR PARENTS**

When either parent is a minor, the Declaration of Paternity does not establish paternity until 60 days after both minor parents are emancipated or 60 days after the eighteenth birthday of both minors, whichever occurs first.

## **METHODS OF IMPLEMENTATION**

While AB 1832 mandates that the counties make the declaration of paternity available to parents, counties are given some discretion in their method of implementation. Since county internal structure varies, counties may use any method that assures applicants are offered the opportunity to voluntarily establish paternity. Below is one implementation method counties could consider:

The informing and signing of the declaration are shared by the CWD and DA's Office. CWD staff provide the declaration to unmarried parents. After reading their rights and responsibilities and having their paternity questions answered by the CWD worker, the parents sign the declaration. The CWD worker witnesses the signatures and then forwards the CS 909 along with the CA 2.1Q to the DA's Office. If the parents have legal questions regarding their rights and responsibilities which cannot be answered by the CWD worker, they complete the CS 909, except for the signatures, and are referred to the DA's Office to have their questions answered and for execution of the signatures.

## **TRAINING**

For your information we have included a list of the County Family Support Division Paternity Opportunity Program (POP) coordinators and their phone numbers (Attachment 2). POP coordinators may be contacted if counties require assistance in training staff on the POP program. A seven minute video ("Providing for Your Child") about the POP program is available in English and Spanish. Please contact your county POP coordinator if you would like to view or obtain a copy of the video.

## **ORDERING FORMS & BROCHURES**

Brochures explaining the voluntary paternity program (PUB 244, 1/97 revision), the Declaration of Paternity (CS 909) and the information sheet (CS 910), may be obtained by contacting the California Department of Social Services (CDSS) Warehouse and following

routine forms ordering procedures using the GEN 727(B) county forms order. Forms and brochures are also available in Spanish. See Attachment 3 for a description of these materials.

Counties should FAX their orders for POP Forms to the CDSS Warehouse, FAX number (916) 371-3518, no **later than December 9, 1996, to receive forms prior to January 1, 1997.** Please limit your initial order to a three month supply based on an estimate of the number of applicant families with unmarried parents in the home.

If you have any additional questions regarding this All County Letter, please contact staff as follows:

Subject	Contact Person	Phone	
All County Letter	Varaniece Hall or	(916) 653-6161	CALNET 453-6161
	Cora Myers	(916) 654-2236	CALNET 464-2236
State POP Coordinators	Jim Mullany or	(916) 654-1223	CALNET 464-1223
	Nancy Jones	(916) 657-4423	CALNET 437-4423
County Staff Training	County Family Support Div. POP Coordinators	See attached POP Coordinator List	

Sincerely,



BRUCE WAGSTAFF  
Deputy Director  
Welfare Programs Division

Attachments

## IMPORTANT NOTICE TO UNMARRIED PARENTS

If the parents of the child are not legally married, the father's name will not be added to the birth certificate unless you: (1) sign a declaration of paternity in the hospital or (2) sign the form later or legally establish paternity through the courts and pay a fee to amend the birth certificate.

### WHAT IS THE PURPOSE OF A DECLARATION OF PATERNITY?

A declaration of paternity form is used to legally establish the paternity (the father) of a child when the mother and father are not married to each other. It should be signed only by the biological parents of a child who were never married to each other. Signing this form is voluntary.

### HOW WILL YOU AND YOUR CHILD BENEFIT IF YOU SIGN THIS FORM?

When both parents sign this form it will:

- Legally establish a parent-child relationship between the father and the child. Your child has the right to know his or her mother and father and to benefit from a relationship with both parents.
- Allow the father's name to be added to the birth certificate. Your child will benefit by having both of your names appear on his or her birth certificate. If the form is signed after the child's birth certificate is prepared, there will be a fee to amend the birth certificate to add the father's name.
- Legally establish the man as the child's father without going to court. This will give the father parental rights such as the right to seek child custody and visitation in a court action and to be consulted about the adoption of the child.
- Make it easier for your child to learn the medical histories of both parents, to benefit from the father's health care coverage, and to receive Social Security or Veterans' dependent or survivor's benefits, if eligible.

### WHAT DOES IT MEAN IF YOU SIGN A DECLARATION OF PATERNITY?

- A signed declaration of paternity that states that the man is the father will have the same effect as a court order establishing paternity for the child. If your child does not live with you and a court action is filed, you may be ordered by the court to pay child support. A court action must be filed to deal with the issues of custody, visitation or child support.
- You have the right to a trial in court to decide the issue of paternity; to notice of any hearing on the issue of paternity; to have the opportunity to present your case to the court, including the right to present and cross examine witnesses; to have an attorney represent you; or to have an attorney appointed to represent you if you cannot afford one in an action filed by the District Attorney. By signing this declaration, you are, by your choice, giving up all of these rights.
- If either of you later change your mind about signing the form you must complete a form to rescind or cancel the declaration of paternity and file it with the State Office of Vital Records within 60 days from the date you sign this form. You can get a rescission form from your local Family Support Division, or local office of vital statistics.
- This form may be challenged in court only in the first two years after the child's birth by using blood and genetic tests that prove the man is not the biological father. It also may be overturned if the father or mother is able to prove that he/she signed the form because of fraud, duress, or material mistake of fact.
- If either or both of you are under the age of eighteen, a declaration of paternity will not establish paternity until sixty days after both of you are age eighteen or are emancipated. If you wish to legally establish paternity before both of you become adults, you should consult an attorney.
- This is a legal document that will establish paternity sixty days from the date of signature. **You do not have to complete or sign this form.** If any part of this form does not make sense to you, talk to your local Family Support Division or a lawyer before signing the form.

**PATERNITY OPPORTUNITY PROGRAM  
PATERNITY DECLARATION - INSTRUCTIONS FOR COMPLETION  
(THIS FORM IS TO BE COMPLETED BY UNMARRIED PARENTS ONLY)**

**GENERAL  
INFORMATION**

The attached declaration form is to be used by unmarried parents to declare the father of the child. Paternity means legal fatherhood. Completing and signing this form is voluntary. **THIS IS A LEGAL DOCUMENT. PLEASE CAREFULLY READ THE REVERSE SIDE OF THE FORM BEFORE YOU SIGN IT.** There is important information about what it means to you and your child when you sign this form. In order for the Declaration of Paternity to be valid, both parents must complete and sign this form. The form must be signed in the presence of a witness from the hospital or agency accepting the form. If not signed at a hospital, prenatal clinic or public agency, you must sign the form in the presence of a notary public. If you are an unmarried father and you wish to have your name entered on the child's birth certificate, you must sign this form. Otherwise, you must go to court to establish legal paternity and pay a fee to amend the child's birth certificate to add your name. Please see the information for filing the form for more details.

**PLEASE USE BLACK INK WHEN FILLING OUT THE ATTACHED FORM. PRINT ALL INFORMATION, EXCEPT FOR YOUR SIGNATURE. PLEASE PRESS FIRMLY AND PRINT CLEARLY WHEN FILLING OUT THE FORM.**

**SECTION A**

This section is used to identify the mother, father, child and the birth place of the child. You do not have to write down your social security number. The number helps find parents so child support, and other benefits your child may need, may be collected. If you write down your social security number, it will be on any copies made of this form. All other lines in **Section A** must be completed.

**SECTION B**

In this section, both parents declare that they are the mother and father of the child named on this form. The signature and date signed must be completed by both parents for this form to be legal. **PLEASE READ THE REVERSE SIDE OF THE FORM BEFORE YOU SIGN IT.**

**SECTION C**

This section is to be completed by the person who is a witness to the parents' signatures on the form. The witness must be an official representative of the hospital or agency accepting the form.

**SECTION D**

This section is to be completed **ONLY** when the form is witnessed by a notary public. If parents do not complete the form at a hospital, prenatal clinic or public agency, they can only sign it before a notary public. This section is to be completed and stamped by a notary public.

**FILING THIS  
FORM**

When completed at a hospital, the hospital will send the original of this form to the local county registrar, along with the birth record. If your baby is not born in a hospital, this form must be submitted to your local registrar with the birth certificate in order to have the father's name included on the birth record at the time you register the birth. In either case, the local registrar will file the form with the State Department of Health Services, Office of Vital Records, 304 S Street, Sacramento, CA 95814.

If you did not complete this form at the hospital (or when you registered your child's birth), and you want to add the father's name to the birth certificate, you must contact the State Department of Health Services, Office of Vital Records, 304 S Street, Sacramento, CA 95814. They will provide you with the additional forms you need to complete. You will be charged a fee to have your child's birth certificate changed to include the father's name.

If you did not complete this form at the hospital (or when you registered your child's birth), and you do not want to update the birth certificate with the father's name, you may still file this form with the State Department of Health Services, Office of Vital Records, 304 S Street, Sacramento, CA 95814.

Both parents will be given a copy of this form. This form is an important legal record. Parents should keep their copy in a safe place.

**RESCINDING  
THIS FORM**

To rescind or cancel this form, either or both parents must complete and sign a *Rescission Form for the Declaration of Paternity*. This form must be filed with the State Office of Vital Records within sixty days of the date the paternity declaration was signed. To obtain a form to rescind or cancel this form, contact the Family Support Division of your local district attorney's office or your local registrar of births and deaths.

## WHAT IS THE PURPOSE OF A DECLARATION OF PATERNITY?

A declaration of paternity form is used to legally establish the paternity (the father) of a child when the mother and father are not married to each other. It should be signed only by the biological parents of a child who were never married to each other. Signing this form is voluntary.

## HOW WILL YOU AND YOUR CHILD BENEFIT IF YOU SIGN THIS FORM?

This form when signed by both parents will:

- Legally establish a parent-child relationship between the father and the child. Your child has the right to know his or her mother and father and to benefit from a relationship with both parents.
- Allow the father's name to be added to the birth certificate. Your child will benefit by having both of your names appear on his or her birth certificate. If the form is signed after the child's birth certificate is prepared, there will be a fee to amend the birth certificate to add the father's name.
- Legally establish the man as the child's father without going to court. This will give the father parental rights such as the right to seek child custody and visitation in a court action and to be consulted about the adoption of the child.
- Make it easier for your child to learn the medical histories of both parents, to benefit from the father's health care coverage, and to receive Social Security or Veterans' dependent or survivor's benefits, if eligible.

## WHAT DOES IT MEAN IF YOU SIGN A DECLARATION OF PATERNITY?

- A signed declaration of paternity that states that the man is the father will have the same effect as a court order establishing paternity for the child. If your child does not live with you and a court action is filed, you may be ordered by the court to pay child support. A court action must be filed to deal with the issues of custody, visitation or child support.
- You have the right to a trial in court to decide the issue of paternity; to notice of any hearing on the issue of paternity; to have the opportunity to present your case to the court, including the right to present and cross examine witnesses; to have an attorney represent you; or to have an attorney appointed to represent you if you cannot afford one in an action filed by the District Attorney. By signing this declaration, you are, by your choice, giving up all of these rights.
- If either of you later change your mind about signing the form you must complete a form to rescind or cancel the declaration of paternity and file it with the State Office of Vital Records within 60 days from the date you sign this form. You can get a rescission form from your local Family Support Division, or local office of vital statistics.
- This form may be challenged in court only in the first two years after the child's birth by using blood and genetic tests that prove the man is not the biological father. It also may be overturned if the father or mother is able to prove that he signed the form because of fraud, duress, or material mistake of fact.
- If either or both of you are under the age of eighteen, a declaration of paternity will not establish paternity until sixty days after both of you are age eighteen or are emancipated. If you wish to legally establish paternity before both of you become adults, you should consult an attorney.
- This is a legal document that will establish paternity sixty days from the date of signature. **You do not have to complete or sign this form.** If any part of this form does not make sense to you, talk to your local Family Support Division or a lawyer before signing the form.

**DISTRIBUTION:** ORIGINAL - Vital Records  
COPY 1 & 2 - Parents  
COPY 3 - Family Support

# DECLARATION OF PATERNITY

## SECTION A

<b>Child</b>	NAME OF CHILD - FIRST	MIDDLE	LAST
	DATE OF BIRTH	SEX	FOR STATE USE ONLY
<b>Place of Birth</b>	HOSPITAL NAME		COUNTY
	NAME OF FATHER - FIRST	MIDDLE	LAST
<b>Father</b>	SOCIAL SECURITY NO.	DATE OF BIRTH	PLACE OF BIRTH (STATE OR COUNTRY)
	CURRENT ADDRESS (NUMBER, STREET, CITY, ZIP)		
<b>Mother</b>	NAME OF MOTHER - FIRST	MIDDLE	LAST
	SOCIAL SECURITY NO.	DATE OF BIRTH	PLACE OF BIRTH (STATE OR COUNTRY)
	CURRENT ADDRESS (NUMBER, STREET, CITY, ZIP)		
	MAIDEN NAME		

## SECTION B - READ OTHER SIDE BEFORE SIGNING

*I declare under the penalty of perjury under the laws of the State of California that I am the natural father of the child named on this declaration and that the information provided is true and correct. I have read and understand the rights and responsibilities described on the back of this form. I understand that by signing this form I am waiving those rights and consenting to the establishment of paternity. I am assuming all the rights and responsibilities of the natural father of this child. I wish to be named as the father on the child's birth certificate.*

*I declare under the penalty of perjury under the State of California that I am the natural mother of the child named on this declaration and that the information provided is true and correct. I have read and understand the rights and responsibilities described on the back of this form. I certify that the man signing this form is the only possible father of this child. I know that by signing this form I am establishing the man named as father as the natural father of this child with all the rights and responsibilities of a natural father under the laws of California. I consent to the establishment of paternity by signing this form.*

SIGNATURE OF FATHER	DATE SIGNED	SIGNATURE OF MOTHER	DATE SIGNED
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## SECTION C - TO BE COMPLETED BY WITNESS AT THE HOSPITAL, AGENCY OR CLINIC (PLEASE PRINT)

DECLARATION WITNESSED BY (SIGNATURE AND PRINTED NAME)	DATE
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NAME OF AGENCY (HOSPITAL, CLINIC OR OTHER)

ADDRESS (ADDRESS, CITY AND ZIP CODE)

## SECTION D - TO BE COMPLETED BY NOTARY PUBLIC IF NOT WITNESSED ABOVE

State of California  
 County of \_\_\_\_\_  
 On \_\_\_\_\_ before me, \_\_\_\_\_, personally  
 appeared \_\_\_\_\_

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their signature(s) on the instrument the person(s), or the entity on behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

**COUNTY PATERNITY OPPORTUNITY PROGRAM COORDINATORS****Alameda County**

Lesli MacNeil  
 Family Support Division  
 2901 Peralta Oaks Court  
 Oakland CA 94605  
 (510) 639-3034  
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**Alpine County**

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**Amador County**

Vicki Freeman  
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 708 Court Street  
 Jackson CA 95642  
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**Butte County**

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 Oroville CA 95965  
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**Calaveras County**

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 San Andreas CA 95249  
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**Colusa County**

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**Contra Costa County**

Will Siino  
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**Del Norte County**

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**Fresno County**

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**Glenn County**

Mike Murray  
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 540 W. Sycamore Street  
 Willows CA 95988  
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## COUNTY PATERNITY OPPORTUNITY PROGRAM COORDINATORS

### **Humboldt County**

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Family Support Division  
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Eureka CA 95502-0128  
(707) 441-5607  
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### **Imperial County**

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Family Support Division  
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El Centro CA 92244  
(619) 337-7772  
FAX: (619) 352-4612

### **Inyo County**

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### **Kern County**

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### **Kings County**

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### **Lake County**

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### **Lassen County**

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### **Los Angeles County**

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5770 South Eastern Avenue  
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### **Madera County**

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### **Marin County**

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### **Mariposa County**

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### **Mendocino County**

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## COUNTY PATERNITY OPPORTUNITY PROGRAM COORDINATORS

### **Merced County**

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### **Mono County**

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### **Monterey County**

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### **Napa County**

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### **Nevada County**

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### **Orange County**

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P.O. Box 448  
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(714) 541-7570/541-7559  
FAX: (714) 541-7401

### **Placer County**

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FAX: (916) 889-5749 or 5750

### **Plumas County**

Joanie Duncan  
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FAX: (916) 283-6250

### **Riverside County**

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### **Sacramento County**

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### **San Benito County**

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## COUNTY PATERNITY OPPORTUNITY PROGRAM COORDINATORS

### **Solano County**

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### **Sonoma County**

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FAX: (707) 527-3460

### **Stanislaus County**

Joyce Fischer  
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### **Sutter County**

Ronnie Rai  
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### **Tehama County**

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### **Trinity County**

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### **Tulare County**

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### **Tuolumne County**

Shari Gallagher  
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### **Ventura County**

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### **Yolo County**

Margaret Tidwell  
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### **Yuba County**

Lynn Miner  
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## COUNTY PATERNITY OPPORTUNITY PROGRAM COORDINATORS

### **San Bernardino County**

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### **San Diego County**

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### **San Francisco County**

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## DESCRIPTION OF REFERENCED MATERIALS

**New Forms & Brochures:**

These new forms and brochures for implementing the voluntary declaration of paternity in the county welfare departments may be ordered from the CDSS Warehouse using the GEN 727(B).

**CS 909 (1/97) - Declaration of Paternity**

A four-part carbonized (NCR) form that when completed, witnessed and officially filed is an acknowledgement of paternity. **This form has a blue informational coversheet.** The first page of the coversheet contains the heading "IMPORTANT NOTICE TO UNMARRIED PARENTS". This first page contains an explanation of the purpose of the form and what it means when parents sign the form. The second page of the coversheet contains instructions for completing and distributing the form. See Attachment 1.

The original and third copy, along with the CA 371, are sent to the local family support office (DA's) after completion. Copies 1 and 2 are given to the parents. A photocopy should be made for the case file.

**CS 910 (1/97) - "How a Declaration of Paternity Can Help You and Your New Baby"**

A one-page informational sheet for unmarried parents that provides a brief summary of the paternity declaration process. This form is used in conjunction with the Declaration of Paternity. Parents should be given this form along with a Declaration of Paternity form. This is a two-sided form with the English language version on one side and the Spanish version on the reverse.

**PUB 244 (1/97) - "Establishing Paternity for You and Your Child"**

An eight-panel brochure that explains what paternity is and how a mother, father and child benefit from having paternity established. The brochure can be used in conjunction with the Declaration of Paternity (CS 909) or may be used alone to provide general information about the program.

**Current Forms:****CA 371 - "Referral to District Attorney"**

Until the CA 371 is revised, counties are to note in the comments section that the CS 909 is attached.