

GREENE COUNTY PROSECUTING ATTORNEY

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August 18, 2019

Scott M. Lekan
Commissioner, Office of Child Support Enforcement
VIA EMAIL: ocse.dpt@acf.hhs.gov

RE: OMB Control Number 0970-0085
Comments to Standard Intergovernmental Forms

Dear Commissioner Lekan:

Please find attached our comments and an excel spreadsheet for your electronic review with the response from this Office. The attachment includes an introduction, comments, and three proposed versions of the Declaration in Support of Establishing Parentage. Each of the versions is to be used, depending upon the role of the petitioner. Please see each worksheet as part of this response.

This is a response from the front-line staff. I work very closely with the two technicians in this Office that handle the outgoing UIFSA referrals to establish paternity, support, and request modifications (both with and without requests for registration), Erica and Bridget. Much of our response attached is based on the experiences of preparing those outgoing referrals, although all of my staff are used to working incoming referrals for paternity, support, and enforcement. Erica and Bridget have worked with me since the latest version of the UIFSA forms was released to understand them and specifically, the best way to work with them in the Missouri automated system. Erica and Bridget also met with the Missouri IV-D central office and me to discuss our concerns with logistical issues. Furthermore, I listened to Erica and Bridget for this response.

I fear that some of our proposals will be deemed a dreamy wish list, for the adoption would require too much work for the automated systems. If that were to be true, please retain our comments and concerns for future consideration when system work will again be necessary.

Thank you and your staff for you time in consideration of our comments. We appreciate your work and support of the local IV-D caseload.

Respectfully,

Lara Webb Fors, First APA and Director
E: LFors@greenecountymo.gov

Who We Are--Springfield Regional Prosecutors' Child Support Office, (SRPCSO) Greene County, Springfield, Missouri

These comments are coming from frontline workers in a prosecuting attorney's office (3 county regional office) in Missouri that is responsible for completing outgoing UIFSA referrals for only cases associated to our counties and in these actions: 1) the establishment of paternity and / or support orders; 2) to modify the responding state's orders ; or 3) to register a foreign order for modification in the responding state. We do not send the forms to the applicant to fill out for the responding state (unless they do not reside here). If the applicant is local to us, we meet with that person for an interview to get the information and complete the forms. The applicant only signs where appropriate. Also, we are the office that acts as the responding state for our three counties and takes actions on other state's requests for paternity and/or support and enforcement. So, we initiate or respond to almost every action contemplated. The only actions we do not initiate or respond to are changes of payee or redistribution (319 form).

How the forms are created

The frontline staff in this Office is required by the MO IV-D agency, the Family Support Division (FSD), to use the state automated system (MACSS) to generate the forms. These are the only forms from MACSS that our staff use. MACSS is not our case management system, and we have only access to view the screens and the limited ability to make narrative notes and print these forms. MACSS is still on the original green screen, and the merging of the forms requires some, but not all, data entry from our staff of the same information already in MACSS. It is a very frustrating process, and the keying in of information already in MACSS is tedious, time-consuming, allows for errors, and even after all of that, does not fill in all of the fields or answer all of the questions. However, the policy is to use the forms from MACSS because information screens regarding UIFSA in MACSS are automatically updated when the merge function of these UIFSA forms is used. I believe that the information created in the case is not only for case information or the recording of the action taken, but also sets up the CSENet functionality. I could be wrong.

Limitations of the MACSS forms

When MACSS creates the forms, it automatically prints the forms on paper and does not create or save an editable electronic copy. Therefore, there is no way to edit the forms before they are printed. Hence, the finished product is a combination of printed and handwritten information. We found that it is less wasteful of time and resources if we use the MACSS forms and update with handwritten information by us than if we immediately recycle the printed MACSS forms and use the fillable .pdf forms provided on the OCSE webpage. We only run into problems when the responding state rejects handwritten forms.

Why we are commenting

We think it is important for OCSE to hear from the frontline staff some of the issues we have not only with other jurisdictions in UIFSA cases, but also the issues we have within our own state that are an impediment to getting the work completed in a legally correct and efficient manner. All comments will be based on the draft version of the documents.

Collateral consequences of UIFSA cases being inefficient or frustrating to work

Parents frequently are frustrated by UIFSA cases. Action is delayed by the referral process to us from the IV-D state agency, documentation to include may be slow to procure, and unluckiest of all, the responding state rejects the entire packet instead of requesting more information for the referral and they have to come back in to sign again. The fact that you have so many partners in the process, and partners from so many different places with different requirements, still make this uniform process with uniform forms tricky. UIFSA cases typically cause low morale for child support professionals. It takes a special person to work in the IV-D program with unhappy parents and still try to make the world a better place, And on a bad day, it really takes a special person to keep plowing forward when it feels like you are banging your head against the wall in a world where no one cares. So, as the leader here, I want to give the staff as many tools as possible to make the work more manageable with better results for families and the staff. I need to keep staff in place that are trained and competent in this work. It is the most difficult work this office does for non-attorney staff. This is why I am commenting, mostly for ideas for efficiency that resonate with our experience.

Understanding about Automated Systems

I do not want to make unreasonable demands on states to update their automated systems to make our proposed changes. We have shared with FSD our concerns for the condition of the MACSS forms and understand the limitations that FSD has in getting new forms or changes to existing forms done with their IT resources. I have suggested that FSD let us accomplish the MACSS updates without merging the forms, and then I could use the .pdfs and create templates for us to use with our case management system, and at the very least, give my staff an electronic copy that can be edited before printing. To date, that has not been worked out for us to try.

Thank you!

We appreciate your time and consideration of our comments.

OMB Control Number 0970-0085
Comments from SRPCSO, Greene County, Springfield MO

DCL-19-04 UIFSA Forms Open Comment Period, OMB control number 0970-0085	
Form Name	Comments
Introductory and General Comments Regarding the UIFSA forms	1) If the form is not listed on this worksheet, we have no comment on it; 2) The Paperwork Reduction Act of 1995 public reporting burden is grossly underestimated for these forms when considering the length of time our staff need for the three activities of reading instruction, gathering information, and recording answers on the form; 3) My staff tell me that communication is getting better between initiating and responding states, and they really appreciate the instruction for workers to share their direct numbers and email addresses instead of sending each other to call centers. Not all offices are sharing their direct information, so there is room for improvement.
General Requests	Please add the functionality on the OCSE website to download all the forms at the same time, in addition to individually.

DCL-19-04 UIFSA Forms Open Comment Period, OMB control number 0970-0085	
Form Name	Comments
Declaration in Support of Establishing Parentage	<p>Thank you for the new forms that address the need for the agency to sign this form.</p> <p>Generally, the declaration affidavit is written at too high of a comprehension level; the form is not friendly to lay people. Also, the Declaration has some statements and some questions. I think choosing the same format would be preferable. We appreciate the new forms that make it more clear to allow a representative of an agency to use the form, it still does not address all of the awkwardness of that form when doing so. For example, I don't believe that the agency representative can speak to the question regarding conception or pregnancy, nor could they comment on biology unless genetic test results were attached. It also is not totally necessary to have the agency rep skip all the way to Section IV, because that person could make statements about the birth certificate or a voluntary acknowledgment (as with any state record.) The document is also awkward for an alleged father, non-parent custodial relative, or other caretaker not the birth mother. Therefore, we recommend offering three versions of this document for each of these scenarios: applicant birth mother, applicant alleged parent, applicant agency (for a non-cooperative bio mother, foster-care case, or other petitioner who is not the bio mother.) Some states send the forms to the applicant to fill out on their own and from the answers given, the applicant clearly did not understand the question. IN THE ALTERNATIVE to three versions, we would request that the document be amended to first identify the declarant, and then limit the portions of the form that s/he should answer based on the relationship to the case. Coming from a state that will rebut the marriage presumption more easily than some, I would like to add a part 7 under the presumptions that addresses whether there is a judgment of non-paternity for the child. With some frequency, we send outgoing UIFSA referrals to a state with jurisdiction over the alleged father because we have already obtained a judgment of non-paternity over the presumed father. Having a section here is more clear than handwriting that information in as other pertinent information in a later section.</p> <p>Please see next 3 worksheets, tabbed below, for more specific feedback for this form as part of our new proposed versions</p>

DCL-19-04 UIFSA Forms Open Comment Period, OMB control number 0970-0085	
Form Name	Comments
Uniform Support Petition	<p>In Section 1, Action: would like to add clarifying options under "Establishment of an order for:" regarding retroactive child support to be turned into 3 options: 1) judgment for retroactive current child support back to the date of filing or service of this action, or otherwise provided by your law 2) judgment for past support provided by the State of (initiating State), not to exceed \$_____, as provided by your state's law; 3) judgment of past necessary support expended by the Petitioner, in the amount of \$_____, or as provided by your state's law</p> <p>In Section III, the link has changed, so it could be updated for the Servicemembers Civil Relief Act.</p> <p>In Section IV. Other Pertinent Information: add options for 1) Documentation of TANF benefits expended by the State of _____ and 2) Documentation of past necessary expenses expended by Petitioner to go with the expanded types of retroactive support suggested above.</p>
Letter of Transmittal Requesting Registration	<p>Section 1 . Case Summary: the "assigned arrears only:" we think this section is not clear on its face, and after reading the instructions, I think the intention is that the worker is to record the total amount of arrears on the "total amount of arrears" space, and if any of the total is assigned, the worker is to put the assigned portion of the total on the "assigned arrears only: " line. It would be more clear to the parties (and to the court, who does not see the instructions) if the language said "Of the total, the amount assigned is \$____" or similar.</p>
General Testimony Form	<p>Generally, the feedback we receive it that this form is very long and burdensome for the applicant. I think the information requested is appropriate, so the only thing I can think of to address the length of the form is to reorganize it. I do not know if there has been a study of the number of children on an UIFSA case, but in the absence of data to suggest the correct median amount, I would recommend having spots for two children.</p> <p>Next, I would recommend a form that is expedited for a custodial parent, with cp and children on Medicaid, and with very little information about the other parent. The extra information about the petitioner's other children, tax status, health insurance, Respondent's other children, etc. would be specific attachments so only needed if there's information to share. In our office, the cs professional would have or help with determining whether the form would be sufficient or whether or not any attachments would be needed. This would make it easier to review for the applicant and the responding state.</p>

OMB Control Number 0970-0085
Proposed Form (Birth Mother) from SRPCSO, Greene County, Springfield MO

Declaration in Support of Establishing Parentage by Birth Mother		
Section	Current Section	New / Comment
boxed instructions	"Do not complete ...	change to "Do not complete this form if there is an order of parentage or an executed and unrescinded voluntary acknowledgment of parentage.
Section 1	"declare under penalty of perjury"	add "am the birth mother of the child named below
1.1		delete the "check one" and boxes; go directly to boxed section; no changes
3	Note:	"If the child was not conceived by sexual intercourse between you and the other parent, please add to section IV below a description of the conception including the method of conception, if there were any legal contracts with donors of reproductive cells, and if the conception required medical doctors in a medical facility."
4.a	"The following facts support a presumption of parentage:	<p>New section: "Check the box beside any statement below that is true"</p> <ol style="list-style-type: none"> 1. I was married to the Respondent at the time the child named above was conceived. 2. I was married to the Respondent at the time the child named above was born. 3. The child named above was born within 300 days of my divorce from Respondent. 4. I was married to another person, not the Respondent, at the time of the conception of this child. 5. I was married to another person, not the Respondent, at the time of the birth of this child, or this child was born within 300 days of divorcing the other person, not the Respondent. 6. The person I was married to that created a presumption of parentage as stated above is (first, middle, last name), address, whose date of birth is, gender is 7. The marriage referred to above began on xxx and 1) there is not divorce or 2) a divorce has been filed on x date in X County, State but is not final, or 3) the divorce was final and filed on x date in X County, State. A copy of the decree is attached.

OMB Control Number 0970-0085
Proposed Form (Birth Mother) from SRPCSO, Greene County, Springfield MO

Declaration in Support of Establishing Parentage by Birth Mother		
Section	Current Section	New / Comment
4.b.	remove	I don't think this creates a presumption of paternity in any jurisdiction; it may help with an evidentiary hearing for the best interests of a child when there is a presumed and an alleged parent, so if it should remain, perhaps take it from the list of presumptions and include it on this form in Section II.1
4.c	change	<p>The child named above, the Respondent in this action, and I participated in genetic testing to show paternity. Those test results show a probability of paternity of ____%.</p> <p>The child named above, a person named _____, not the Respondent in this action, and I participated in genetic testing to show paternity. Those test results show a probability of paternity of ____%.</p> <p>A copy of the genetic testing report is attached.</p>
5	change	<p>1. There is no other parent listed on the birth certificate of the child named above besides me.</p> <p>2. There is another parent listed on the birth certificate of the child named above besides me. That person's name is , address, gender.</p> <p>3. A copy of the birth certificate of the child listed above is attached.</p>
6	change	A voluntary acknowledgment of paternity was executed, but later rescinded, by _____ name , address, gender.
7	add	<p>1. There is a court order that ordered a person not to be the other parent of the child named above. That person's name is ...address, gender.</p> <p>2. A copy of that order is attached.</p>
Section II.2	remove	
III	no change	
IV	no change	
V	"Under penalty of perjury...."	remove ", if I am the custodian,"

OMB Control Number 0970-0085
Proposed Form (Self-Alleged Parent) from SRPCSO, Greene County, Springfield MO

Declaration in Support of Establishing Parentage by Self-Alleged Parent		
Section	Current Section	New / Comment
boxed instructions	"Do not complete ...	change to "Do not complete this form if there is an order of parentage or an executed and unrescinded voluntary acknowledgment of parentage.
Section 1.1	no change to check boxes; change to text box	add "unknown" to conception date, location, and full term pregnancy
3	Note:	"NOTE: If the child was not conceived by sexual intercourse with you and the birth mother, but was conceived by sexual intercourse, please state the name of the man, if known; if the child was not conceived by sexual intercourse, please add to section IV below a description of the conception including the method of conception, if there were any legal contracts with donors of reproductive cells, and if the conception required medical doctors in a medical facility."
4.a	"The following facts support a presumption of parentage:	<p>New section: "Check the box beside any statement below that is true"</p> <p>1. I was married to the birth mother at the time the child named above was conceived.</p> <p>2. I was married to the birth mother at the time the child named above was born.</p> <p>3. The child named above was born within 300 days of a divorce between the birth mother and me.</p> <p>4. The marriage referred to above began on xxx and 1) there is not divorce or 2) a divorce has been filed on x date in X County, State but is not final, or 3) the divorce was final and filed on x date in X County, State. A copy of the decree is attached.</p>
4.b.	remove	I don't think this creates a presumption of paternity in any jurisdiction; it may help with an evidentiary hearing for the best interests of a child when there is a presumed and an alleged parent, so if it should remain, perhaps take it from the list of presumptions and include it on this from in Section II.2

OMB Control Number 0970-0085
Proposed Form (Self-Alleged Parent) from SRPCSO, Greene County, Springfield MO

Declaration in Support of Establishing Parentage by Self-Alleged Parent		
Section	Current Section	New / Comment
4.c	change	<p>The child named above and I participated in genetic testing to show paternity. Those test results show a probabability of paternity of _____. The child named above and a person named _____ participated in genetic testing to show paternity. Those test results show a probability of paternity of _____. A copy of the genetic testing report is attached. (This language is intentional, because it is highly likely that if genetic testing has been completed with these facts, then it was done with a motherless draw.)</p>
5	change	<p>1. I have not seen a copy of the birth certificate of the child named above. 2. The birth certificate of the child named above shows the legal parents as the birth mother and me. 2. There is no other parent listed on the birth certificate of the child named above besides the birth mother. 2. There is another parent listed on the birth certificate of the child named above besides the birth mother. That person's name is _____, address _____, gender _____. 3. A copy of the birth certificate of the child listed above is attached.</p>
6	change	<p>A voluntary acknowledgment of paternity was executed, but later rescinded, by name _____, address _____, gender _____.</p>
7	add	<p>1. There is a court order that ordered a person not to be the other parent of the child named above. That person's name is _____, address _____, gender _____. 2. A copy of that order is attached.</p>
Section II.1	remove	
Section II.2	no change	
III	remove	
IV	no change	
V	no change	

OMB Control Number 0970-0085
Proposed Form (Agency/Other) from SRPCSO, Greene County, Springfield MO

Declaration in Support of Establishing Parentage by Agency/Other		
Section	Current Section	New/Comment
boxed instructions	"Do not complete ...	change to "Do not complete this form if there is an order of parentage or an executed and unrescinded voluntary acknowledgment of parentage.
Section 1	"declare under penalty of perjury"	no change
1.1		<p>"check one"</p> <p>1. I am a representative of the county or state IV-D agency where the child listed below resides.</p> <p>2. I am a representative of the county or state IV-E agency where the child listed below is in custody.</p> <p>3. I am a representative of an agency not IV-D or IV-E. (Explain agency relationship to the child in section IV.)"</p> <p>4. I am a legal guardian or custodial relative, not a biological parent.</p> <p>REMOVE ALL REFERENCE TO GENDER</p> <p>In the text box, keep only the name of the child and whether the birth certificate is attached.</p>
1.2	remove	
3	remove	

Declaration in Support of Establishing Parentage by Agency/Other		
Section	Current Section	New/Comment
4.a	"The following facts support a presumption of parentage:	<p>New section: "Check the box beside any statement below that you have documentation to show as true"</p> <ol style="list-style-type: none"> 1. The birth mother was married to the Respondent at the time the child named above was conceived. 2. The birth mother was married to the Respondent at the time the child named above was born. 3. The child named above was born within 300 days of a divorce between the birth mother and the Respondent. 4. The birth mother was married to another person, not the Respondent, at the time of the conception of this child. 5. The birth mother was married to another person, not the Respondent, at the time of the birth of this child, or this child was born within 300 days of divorcing the other person, not the Respondent. 6. The person the birth mother was married to that created a presumption of parentage as stated above is (first, middle, last name), address, whose date of birth is, gender is 7. The marriage referred to above began on xxx and 1) there is not divorce or 2) a divorce has been filed on x date in X County, State but is not final, or 3) the divorce was final and filed on x date in X County, State. A copy of the decree is attached.
4.b.	remove	<p>I don't think this creates a presumption of paternity in any jurisdiction; the agency rep most likely will not have this personal information, but could if the person was involved in the foster care case and the agency rep was from the IV-E agency and had personal knowledge. If you wanted to keep it for that reason, I would move it from out under the list of legal presumptions of paternity.</p>
4.c	change	<p>The child named above and the respondent in this action participated in genetic testing to show paternity. Those test results show a probabability of paternity of ____%.</p> <p>The child named above and a person named _____, not a party to this case, participated in genetic testing to show paternity. Those test results show a probability of paternity of ____%.</p> <p>A copy of the genetic testing report is attached.</p> <p>(This language is intentional, because it is highly likely that if genetic testing has been completed with these facts, then it was done with a motherless draw.)</p>

Declaration in Support of Establishing Parentage by Agency/Other		
Section	Current Section	New/Comment
5	change	1. There is no other parent listed on the birth certificate of the child named above besides the birth mother. 2. There is another parent listed on the birth certificate of the child named above besides the birth mother. That person's name is _____, address _____, gender _____. 3. A copy of the birth certificate of the child listed above is attached.
6	change	A voluntary acknowledgment of paternity was executed, but later rescinded, by _____ name, address, gender. A copy of the rescindment is attached.
7	add	1. There is a court order that ordered a person not to be the other parent of the child named above. That person's name is _____, address _____, gender _____. 2. A copy of that order is attached.
Section II	remove and replace with	Allegations of Paternity 1. The birth mother has alleged in writing another person as the parent of the child named above. A copy of that document is attached. Name of document: _____ Name of the Agency that created the form: _____ (NOTE: I could see how it may be relevant to keep a form of Section II.2 for the legal custodian/NPCR to answer, e.g., I lived with the birth mother at the time of pregnancy or after the birth of this child. The birth mother told me that the father of this child is the named Respondent. I was present at the birth of the child, and I saw the Respondent present there, too. The Respondent made statements to me that made me believe that Respondent claims to be the parent of this child. The Respondent has lived in the same household as I with this child. The Respondent has given food, clothing, gifts, or financial support to me for the child or to the child directly with my personal knowledge. The Respondent has visited the child with me present or in my home.)
III	remove	
IV	no change	

Declaration in Support of Establishing Parentage by Agency/Other		
Section	Current Section	New/Comment
V	"Under penalty of perjury....	Amend the second sentence to say: If I am the custodian, I agree to produce the child named above for genetic testing as may be necessary to establish paternity and seek the orders requested in the Uniform Support Petition.