

From: [OCSE DPT \(ACF\)](#)
To: [Ward, Debbie \(ACF\)](#)
Subject: FW: Comments
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[Here you go](#)

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From: Santilli, Sharon (DHS) <sharon.santilli@dhs.ri.gov>
Sent: Tuesday, August 13, 2019 2:36 PM
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Subject: Comments

RI offers these comments:

There are a number of provisions in Rhode Island law that point to the conclusion that a IV-D representative is not a sufficient substitute for a parent on the Declaration.

RIGL 15-8-2 provides for paternity to be determined “upon the complaint of the father, mother, the child, or the public authority charged with the support of the child.” If a case is a TANF case, the IV-D agency representative would meet this threshold. However, if not a TANF case, there isn’t a public authority charged with the support of the child and the IV-D representative would have no standing to so sign the Declaration (as well as the Uniform Petition and the General Testimony).

RIGL 15-8-11 on parentage testing requires that the application for testing be supported by sworn affidavit which must include a statement alleging paternity and setting forth facts establishing a reasonable possibility of sexual contact during the probable period of conception. We do not see how a IV-D representative is going to be able to testify in affidavit as to those facts. The statute does go on to allow our agency to administratively order testing if the alleged father provides an affidavit denying paternity.

RIGL 15-8-16 “Civil Action” provides that “the mother of the child and the alleged father are competent to testify.” If the Declaration is to provide evidence to establish paternity of a child, it appears that the statute is looking for testimony from these parties first.

RIGL 15-8-22 “False declaration of identity” provides that the making of a false complaint as to the identity of the father or the aiding or abetting in the making of a false complaint is punishable by the same penalty as for perjury.

Based on these statutory provisions, we believe that having a IV-D representative sign the Declaration is not appropriate. If there is a foster care agency that then has custody of the child or the TANF agency, at least those agencies are responsible for the support of the child and therefore have an arguable role in establishing paternity. Absent those circumstances, we believe under RI law, we would need a mother or father to execute the Declaration.

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