

Notice of Adoption

Temporary and Disability Assistance, Office of
(SUBMITTING AGENCY)

- This adoption will amend the NYCRR.
 This adoption will not amend the NYCRR.

NOTE: Typing and submission instructions are at the end of this form. Please be sure to COMPLETE ALL ITEMS. Incomplete forms will be cause for rejection of this notice. change in text

1. Action taken:

Amendment of § 346.2 and amendment of Part 347 of Title 18 NYCRR

"X" box if the rule was originally proposed as a consensus rule making.

2. Effective date of rule:

- Date this notice is published in the *State Register*.
 This is a "rate making" as defined in SAPA §102(2)(a)(ii), and, is effective as follows:
 Date of filing. _____
 Other date (*specify*): _____
 Other date (*specify*): _____
 _____ days after filing.

3. Statutory authority under which the rule was adopted:

Title 42 of United States Code §§ 651-657, 660, 663-664, and 666-667; Title 45 of the Code of Federal Regulations § 303.5; Family Court Act § 516-a; Public Health Law § 4135-b; Social Services Law §§ 17(a)-(b) and (k), 20(3)(d), 34(3)(f), 111-a, 111-c, and 111-k; Part L of Chapter 56 of the Laws of 2020

4. Subject of the rule:

Establishment of parentage

5. Purpose of the rule:

See attached Addendum.

6. Terms and identification of rule :

A. I.D. No. of original notice of **proposed** or **emergency/proposed** rule making: TDA-13-21-00010 - P

B. Comparison of the proposed rule to the adopted rule (CHECK ALL THAT APPLY):

No changes were made to the proposed rule.

● *Text/Summary does not need to be republished in the State Register. If the last previously published RIS, RFA, RAFA or JIS remain adequate and do not require correction, SKIP ITEMS 9-12 and do NOT attach any such statements. If any of the most recently published statements were deemed inadequate or required correction, complete Item 9, 10, 11, or 12 as applicable, do NOT attach previously published statements. Be sure to complete C (if applicable), and D, as well as remaining Items 7-8 and 13-14.*

Nonsubstantive changes were made in [Parts, sections, subdivisions or paragraphs]:

[Redacted boxes for nonsubstantive changes]

● *Text/Summary is required to be republished in the State Register. Attach the original of the text as adopted (if proposed as full text, submit full text; if proposed as a summary, submit a summary) typed in scannable format. Do not skip Items 9-12; revised statements or explanatory statements are required.*

Text attached.
 Summary attached.

This is a "rate making" as defined in SAPA §102(2)(a)(ii) and, pursuant to SAPA §202(7)(b), the agency elected to submit an original copy of a description of the substance. Substantial revisions were made in the following Parts, sections, subdivisions or paragraphs:

[Redacted boxes for rate making details]

C. List the publication date and I.D. No. of any previously published notice(s) of **revised** rule making:

Publication date: _____, I.D. No. _____ -
Publication date: _____, I.D. No. _____ -

D. Signed certification of adoption and full text of the rule are attached:

- Signed certification of adoption (scanned pdf).
- Full text of the rule (MS Word).

7. The text of the final rule and any required statements and analyses may be obtained from:

Agency contact Richard P. Rhodes, Jr.
Agency name New York State Office of Temporary and Disability Assistance
Office address 40 North Pearl Street, 16-C
Albany, NY 12243-0001
Telephone (518) 486-7503 E-mail: richard.rhodesjr@otda.ny.gov

8. Additional matter required by statute:

Yes (include below material required by statute).

[Redacted area for additional matter]

No additional material required by statute.

9. Revised Regulatory Impact Statement (RIS)

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised RIS contains:

- The full text of the Revised RIS.
- A summary of the Revised RIS.

B. A **statement is attached** explaining why a revised RIS is not required (check one box):

- Changes made to the last published rule do not necessitate revision to the previously published RIS.
- This is a technical amendment exempt from SAPA §202-a.

C. A revised RIS is **not** attached because this rule is a “rate making” as defined in SAPA §102(2)(a)(ii).

A revised RIS is **not** attached because this rule was proposed as a consensus rule as defined in SAPA

10. **Revised Regulatory Flexibility Analysis (RFA) for small businesses and local governments**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised RFA contains:

The full text of the Revised RFA.

A summary of the Revised RFA.

B. A **statement is attached** explaining why a revised RFA is not required (check one box):

Changes made to the last published rule do not necessitate revision to the previously published RFA.

The changes will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments. The attached statement sets forth this agency’s findings and the reason(s) upon which the findings were made, including what measures were used to determine those findings.

C. A revised RFA is **not** attached because this rule is a “rate making” as defined in SAPA §102(2)(a)(ii).

A revised RFA is **not** attached because this rule was proposed as a consensus rule as defined in SAPA §102(11).

11. **Revised Rural Area Flexibility Analysis (RAFA)**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised RAFA contains:

The full text of the Revised RAFA.

A summary of the Revised RAFA.

B. A **statement is attached** explaining why a revised RAFA is not required (check one box):

Changes made to the last published rule do not necessitate revision to the previously published RAFA.

The changes will not impose any adverse impact or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. The attached statement sets forth this agency’s findings and the reason(s) upon which the findings were made, including what measures were used to determine those findings.

C. A revised RAFA is not attached because this rule is a “rate making” as defined in SAPA §102(2)(a)(ii).

A revised RAFA is **not** attached because this rule was proposed as a consensus rule as defined in SAPA §102(11).

12. **Revised Job Impact Statement (JIS)**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised JIS contains:

The full text of the Revised JIS.

A summary of the Revised JIS.

B. A **statement is attached** explaining why a revised JIS is not required (check one box):

Changes made to the last published rule do not necessitate revision to the previously published JIS.

The changes will not impose a substantial impact on jobs and employment opportunities. The attached statement sets forth this agency’s findings that the rule will have a positive impact or no impact on jobs and employment opportunities; except when it is evident from the subject matter of the rule that it could only have a positive impact or no impact on jobs and employment opportunities, the statement shall include a summary of the information and methodology underlying that determination.

C. A revised JIS is **not** attached because:

This rule is a “rate making” as defined in SAPA §102(2)(a)(ii).

This rule was proposed by the State Comptroller or Attorney General.

13. **Assessment of Public Comment** (includes legislative comments)

(COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS):

- Attached is an assessment of public comment.
No particular form is required, and it need **only** include comments not addressed in any previously published assessment for this rule. However, the assessment must be based on any written comments received by the agency or any comments presented at any public hearing held by the agency about this rule (include legislative comment). It must contain a summary and an analysis of the issues raised and significant alternatives suggested, a statement of the reason(s) why any significant alternatives were not incorporated, and a description of any changes made as a result of such comments.
- An assessment is not attached because no comments were received.
- An assessment is not required because this action is for a “rate making” as defined in SAPA §102(2)(a)(ii).

14. **Referenced material** (check one box):

- No information is being incorporated by reference in this rule.
- This rule contains referenced material in the following Parts, sections, subdivisions or paragraphs:

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15. **Initial Review of Rule** (SAPA §207)

(SELECT AND COMPLETE ONE)

- A. As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year _____ which is no later than the 3rd year after the year in which this rule is being adopted.
- B. As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year _____ which is the 4th or 5th year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS:
 - Attached is an assessment of public comment on the issue of the 4 or 5-year initial review period; or
 - An assessment of public comment on the 4 or 5-year initial review period is not attached because no comments were received on the issue.
- C. As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2026, which is no later than the 5th year after the year in which this rule is being adopted.
- D. Not Applicable. This is a “rate making” or a “consensus rule,” or a repeal of a rule.

AGENCY CERTIFICATION (To be completed by the person who PREPARED the notice)

I have reviewed this form and the information submitted with it. The information contained in this notice is correct to the best of my knowledge.

I have reviewed Article 2 of SAPA and Parts 260 through 263 of 19 NYCRR, and I hereby certify that this notice complies with all applicable provisions.

Name Richard P. Rhodes, Jr. Signature /s/ Richard P. Rhodes, Jr.

Address NYS OTDA, 40 North Pearl Street, 16-C, Albany, NY 12243-0001

Telephone (518) 486-7503 E-mail richard.rhodesjr@otda.ny.gov

Date 07/26/2021

Please read before submitting this notice:

1. Except for this form itself, all text must be typed in the prescribed format as described in the Department of State's *Register* procedures manual, *Rule Making in New York*.
2. Rule making notices, with any necessary attachments (in MS Word unless otherwise specified), should be e-filed via the Department of State website.

5. *Purpose of the rule:*

To amend state regulations concerning the establishment of paternity to reflect federal and recently-enacted state statutory requirements, to coordinate and update terminology used by the Child Support Program, and to conform regulatory citations with state laws.

Summary of the Rule

The Office of Temporary and Disability Assistance (OTDA) amends 18 NYCRR §§ 346.2, 347.1 – 347.3, 347.5 – 347.8, 347.11, 347.17 – 347.19, and 347.24. The full text of the regulatory amendments is posted at: <http://otda.ny.gov/legal/regulatory-activities.asp>. No changes have been made to the regulatory amendments whose Notice of Proposed Rule Making was published in the March 31, 2021 issue of the *New York State Register* and previously posted to this website. The regulatory amendments will amend state regulations concerning the establishment of paternity to reflect federal and state statutory requirements recently enacted in Part L of Chapter 56 of the Laws of 2020 (Child Parent Security Act [CPSA]), update state regulations to reflect current terminology used in association with the CPSA and by the Child Support Program, and revise regulatory citations in accordance with state laws.

Section 346.2(b) replaces references to “paternity” with “parentage.”

Section 347.1 is retitled as “state division of child support services” to reflect the name of the state Title IV-D Child Support Program.

Section 347.1 makes technical updates regarding the name of the agency and the state Title IV-D Child Support Program, replaces a reference to “absent parents” with “noncustodial parents,” and clarifies the activities to be supervised by the state Title IV-D Child Support Program.

Section 347.2 adds definitions of “Alleged parent,” “Birth parent,” “Gamete donor,” “Intended parent,” “Parentage,” and “Putative father registry.” In addition, the definition of “Putative father” is removed, and the definitions of “Noncustodial parent or absent parent” and “State parent locator service” are updated to reflect terminology used in association with the CPSA.

Section 347.3(a) makes technical updates regarding the name of the State Child Support Program, replacing “OCSE” with “DCSS,” and the activities of the social services district child support enforcement unit. In addition, references to “paternity” are replaced with “parentage,” and a reference to “putative fathers” is replaced with “alleged parents and intended parents.”

Section 347.3(a)(1) replaces a reference to “paternity” with “parentage.”

Section 347.3(a)(3)–(5) replace references to “putative fathers” with “alleged parents and intended parents.”

Section 347.3(a)(6) removes the reference to “paternity” proceedings and replaces it with a general reference to “court” proceedings. In addition, a reference to “putative father” is replaced with a reference to “alleged parent or intended parent.” The gender-specific pronoun “his” is replaced with the gender-neutral pronoun “their.”

Section 347.3(a)(11) replaces references to “paternity” with “parentage” and “putative fathers” with “alleged parents and intended parents.”

Section 347.3(a)(13) replaces a reference to “paternity” with “parentage.”

Section 347.3(b) and (c) replace references to “OCSE” with “DCSS.”

Section 347.5(a) replaces the obsolete regulatory reference to § “370.2(d)” with § “370.9.”

Section 347.5(a)(1) replaces references to “absent parent” with “noncustodial parent” and “putative father” with “alleged parent or intended parent.”

Section 347.5(a)(3) replaces a reference to “paternity” with “parentage.”

Section 347.5(c)–(d) and (f)–(g) replace references to “paternity” with “parentage.”

Section 347.5(i)–(j) replace references to “absent parent” with “noncustodial parent,” “putative father” with “alleged parent or intended parent” and “paternity” with “parentage.”

Section 347.6 is retitled as “Establishment of parentage” to more accurately reflect the new provisions.

Section 347.6(a) replaces references to “paternity” with “parentage.”

Section 347.6(a)(1) adds a reference to “parentage” and updates the regulation to reflect current terminology used by the Child Support Program.

Section 347.6(a)(2) replaces “paternity” with “parentage” and removes the statutory citation.

Section 347.6(a)(3) reflects state requirements under the CPSA, where assisted reproduction was not used and an alleged parent is excluded as the parent of the child. In addition, references to “putative father” are replaced with “alleged parent.”

Section 347.6(a)(4) reflects state requirements under the CPSA to provide alleged parents and intended parents the opportunity to voluntarily acknowledge parentage.

Section 347.6(b) replaces a reference to “paternity” with “parentage” and references to “father” and “putative father” with “alleged parent.” In addition, terminology related to “genetic tests” is updated.

Section 347.6(c) reflects terminology used in association with the CPSA, replacing “putative father” with “alleged parent” and “father” with “parent.” In addition, the regulation is updated to reflect current terminology used by the Child Support Program and a gender-neutral pronoun.

Section 347.6(d)(1) conforms the state regulation with requirements under the CPSA related to voluntary acknowledgments of parentage. In addition, a regulatory citation is conformed in accordance with state law.

Section 347.6(d)(2) conforms the state regulation with requirements under the CPSA related to the contents of the notice of rights and consequences and revises a regulatory citation in accordance with state law.

Section 347.6(d)(3) describes the review of a submitted acknowledgment of parentage.

Section 347.6(d)(4) conforms the state regulation with requirements under the CPSA to file the executed acknowledgment of parentage with the registrar.

Section 347.6(d)(5) replaces the existing provisions related to filing with the putative father registry with requirements under the CPSA concerning records related to acknowledgments of paternity signed in hospitals.

Section 347.6(d)(6) replaces references to “paternity” with “parentage” and adds a reference to Social Services Law (SSL) § 111-k in the description of the effect of such voluntary acknowledgment. In addition, the description of the court documents for which an acknowledgment of parentage has the same force and effect is clarified.

Section 347.7 is retitled as “Location of noncustodial parents/alleged parents/intended parents and sources of income or assets” to more accurately reflect the new provisions.

Section 347.7(a) amends the definition of “location” to eliminate the references to “putative father” and substitutes “alleged parent or intended parent.”

Section 347.7(b) reflects terminology used in association with the CPSA, replacing “putative father” with “alleged parent or intended parent.”

Section 347.7(b)(1) updates references to “food stamps” and “the local telephone company” with corresponding current terminology. In addition, “putative father” is replaced with “alleged parent or intended parent.”

Section 347.7(b)(3) replaces a reference to “putative father” with “alleged parent or intended parent.”

Section 347.7(b)(4) clarifies the information critical to location activities and replaces a gender-specific reference with a gender-neutral term.

Section 347.7(b)(6) replaces references to “putative father” with “alleged parent or intended parent.”

Section 347.7(b)(7) replaces references to “putative father” with “alleged parent or intended parent” and makes a technical revision.

Section 347.7(c) makes a technical revision to the name of the state Title IV-D Child Support Program.

Section 347.8(a)(1) replaces a reference to “putative father” with “alleged parent or intended parent.”

Section 347.8(a)(1)(i) replaces a reference to “paternity” with “parentage.”

Section 347.8(b)(3)(i) replaces a reference to “putative father” with “alleged parent or intended parent” and references to “paternity” with “parentage.”

Section 347.11(a)(1) replaces references to “paternity” with “parentage.”

Section 347.11(a)(2) replaces a reference to “absent parent” with “noncustodial parent.”

Section 347.11(a)(3) replaces a reference to “Uniform Support of Dependents Law” with “Uniform Interstate Family Support Act.”

Section 347.11(a)(4) replaces a reference to “absent parent” with “noncustodial parent.”

Section 347.11(a)(5) and (6) replace references to “OCSE” with “DCSS.”

Section 347.11(b) replaces references to “absent parents” with “noncustodial parents,” “paternity” with “parentage,” and “OCSE” with “DCSS.” In addition, a provision about the location of alleged parents or intended parents is included.

Section 347.11(b)(1) replaces a reference to “ADC” with “public assistance.”

Section 347.11(b)(4) replaces a reference to “absent parent” with “noncustodial parent.”

Section 347.11(b)(5) makes technical revisions regarding the type of requirements.

Section 347.17(a) replaces a reference to “paternity” with “parentage” and makes a technical revision to the name of the agency.

Section 347.17(c)(1) replaces references to “putative fathers” with “alleged parents and intended parents.”

Section 347.17(c)(2) and (d)(2) replace references to “paternity” with “parentage.”

Section 347.18(b)(1)-(2) and (4) replace references to “absent parent” with “noncustodial parent” and “putative father” with “alleged parent/intended parent.”

Section 347.18(d) replaces a reference to “OCSE” with “DCSS.”

Section 347.19(a)(1) and (a)(4)(ii) replace references to “paternity” with “parentage.”

Section 347.19(a)(4)(iii)(a) replaces references to “putative fathers” with “alleged parents or intended parents” and “paternity” with “parentage.”

Section 347.19(b)(1) makes a technical revision to the name of the agency.

Section 347.19(b)(1)(i) adds a provision about the location of alleged parents or intended parents and replaces a reference to “paternity” with “parentage.”

Section 347.19(b)(2)(iii)(a) and (b)(3)(i) replace references to “paternity” with “parentage.”

Section 347.24(b)(2) replaces a reference to “putative father” with “alleged parent or intended parent.”

Section 347.24(b)(3) replaces references to “paternity” with “parentage” and “putative father” with “alleged parent or intended parent.”

Section 347.24(c) replaces references to “paternity” with “parentage.”

Subdivision (b) of § 346.2 of Title 18 NYCRR is amended to read as follows.

(b) Any petition, written application or written motion to a court for the establishment of [paternity] parentage or the establishment, modification and/or enforcement of a child support obligation for persons not in receipt of public assistance and care or foster care or continuing to receive services as provided in section 347.17 of this Title which contains a signed statement requesting child support services as provided under title 6-A of the Social Services Law, constitutes an application for such services pursuant to section 347.17 of this Title. However, where a court proceeding resulted in an order for child or child and spousal support payable through the support collection unit, based upon a [paternity] parentage or support petition filed prior to September 30, 1990, such petition and/or moving papers are deemed to be an application for child support services.

The Part Index for Part 347 of Title 18 NYCRR is amended to read as follows:

PART 347

ESTABLISHMENT OF [PATERNITY] PARENTAGE AND ENFORCEMENT OF CHILD SUPPORT

The Section Index for Part 347 of Title 18 NYCRR is amended to read as follows:

Sec.

347.1 State [office] division of child support [enforcement] services.

347.6 Establishment of [paternity] parentage.

347.7 Location of noncustodial parents/[putative fathers] alleged parents/intended parents and sources of income or assets.

Part 347 of Title 18 NYCRR is amended to read as follows:

Section 347.1 is amended to read as follows:

§ 347.1 State [office] division of child support [enforcement] services.

(a) The [Office] Division of Child Support [Enforcement] Services ([OCSE] DCSS) within the [State Department of Social Services] Office of Temporary and Disability Assistance (Office) shall be responsible for the supervision of the activities of social services officials and other State and local officials relative to [the] location of [absent] noncustodial parents, [the] establishment of [paternity of children born out of wedlock] parentage, establishment and/or modification of support orders, collection and disbursement of support, and [the] enforcement [and collection] of the obligations of legally-responsible relatives to contribute to the support of their dependents.

(b) The [OCSE] DCSS shall utilize location, and support enforcement and collection services made available through the Secretary of Health and Human Services, including the services of Federal courts, the Federal Parent Locator Service and the Treasury Department, if and so long as authorized or required by Federal law.

(c) The [OCSE] DCSS shall provide for the operation and maintenance of the State Parent Locator Service, in accordance with the provisions of subdivision 4 of section 111-b of the Social Services Law.

(d) The [department] Office may enter into a contract with a fiscal agent to perform the collection and disbursement functions of the support collection units. A fiscal agent under contract with the [department] Office is deemed to be a part of all support collection units for which the fiscal agent performs collection and disbursement functions.

Section 347.2 is amended to read as follows:

§ 347.2 Definitions.

Subdivisions (a)–(c) are relettered as subdivisions (b)–(d), subdivisions (d)–(r) are relettered as subdivisions (f)–(t), and new subdivisions (a) and (e) are added to read as follows:

(a) Alleged parent. An alleged parent is an individual who may be the child’s genetic parent but who has not yet been legally declared to be the parent.

(e) Birth parent. A birth parent is the parent who gave birth to the child.

Subdivisions (s)–(v) are relettered as subdivisions (w)–(z) and new subdivisions (u)–(v) are added to read as follows:

(u) Gamete donor. A gamete donor is an individual who donates sperm or eggs used in assisted reproduction.

(v) Intended parent. An intended parent is an individual who intends to be legally bound as the parent of a child resulting from assisted reproduction. The intended parent may be married to the birth parent.

Subdivisions (w)–(x) are relettered as subdivisions (aa)–(ab) and relettered subdivision (aa) is amended to read as follows:

(aa) Noncustodial parent or absent parent. A noncustodial parent or absent parent includes the genetic/biological parent, legal parent, stepparent or adoptive parent of any child where such parent is reported to be absent from the child’s household. With respect to a child in foster care, a noncustodial parent, or absent parent, also includes a genetic/biological parent, legal parent, stepparent or adoptive parent of any child where such parent was present in the child’s household when the child entered foster care.

Subdivisions (y)–(ae) are relettered as subdivisions (ad)–(aj) and a new subdivision (ac) is added to read as follows:

(ac) Parentage. For the purposes of Parts 346 and 347, parentage includes the establishment of a parent-child relationship pursuant to the following statutes: Articles 5, 5A, 5B, and 5C of the Family Court Act; section 4135-b of the Public Health Law; and section 111-k of the Social Services Law.

Subdivision (af) is REPEALED, subdivisions (ag)–(aq) are relettered as subdivisions (al)–(av), and new subdivision (ak) is added and relettered subdivision (ao) is amended to read as follows:

(ak) Putative Father Registry. The Putative Father Registry is the State registry where the following documents acknowledging parentage are filed: (1) an Acknowledgment of Paternity executed prior to February 15, 2021; (2) an Acknowledgment of Parentage executed on or after February 15, 2021; or (3) an instrument acknowledging parentage executed on any date. Information in the registry shall be released to a court or authorized agency upon request but shall not be released to any other person without a court order for good cause shown.

(ao) State parent locator service. The State parent locator service is the database within the office’s automated child support management system used for processing automated location searches for noncustodial parents [and putative fathers], alleged parents, and intended parents.

Section 347.3 is amended to read as follows:

§ 347.3 Local district child support enforcement unit.

(a) Each social services district must establish a single organizational unit, designated as the “Child Support Enforcement Unit,” or “Office of Child Support Enforcement,” or other name approved by [OCSE] the DCSS, as defined in section 347.1 of this Part, which must be responsible only for that social services district’s activities in locating noncustodial parents [and putative fathers], alleged parents, and intended parents, establishing [paternity] parentage, and establishing, modifying, enforcing and collecting support obligations. The unit must be directly responsible to the local commissioner of social services, and must be directed by a full-time employee with administrative and supervisory capability, whose responsibilities are limited to the child support activities set forth in this Part, and/or Part 346 of this Title, and to the supervision of other employees assigned to carry out such activities on a full-time basis. Each social services district will implement procedures to ensure prompt referral of child support and [paternity] parentage cases to the local child support enforcement unit within two business days of furnishing aid. That unit must be staffed with employees who will perform exclusively the following child support functions:

- (1) Receive referrals of all public assistance cases in which the deprivation factor is the continued absence of a parent from the home, as specified in section 369.2 of this Title, and public assistance cases in which [paternity] parentage of a child has not been legally established from the public assistance unit, and accept applications for child support services from individuals not otherwise eligible, as required by section 347.17 of this Part.
- (3) Maintain a record of all noncustodial parents [and putative fathers], alleged parents, and intended parents whose location is unknown and register those individuals with the State Parent Locator Service, as required by section 347.7 of this Part.
- (4) Conduct investigations to locate noncustodial parents [and putative fathers], alleged parents, and intended parents, as required by section 347.7 of this Part.
- (5) Obtain information regarding the income and resources of noncustodial parents [and putative fathers], alleged parents, and intended parents as may be necessary to ascertain their ability to support or contribute to the support of their dependents.

(6) In appropriate cases, initiate a [paternity] court proceeding [s] to establish the [putative father's] legal obligation of the alleged parent or intended parent to support [his] their dependent child or children, as required by section 347.6 of this Part.

(11) Maintain cooperative or contractual arrangements as applicable with the Family Court, probation department, county attorney or corporation counsel, and law enforcement officials, including written agreements entered into pursuant to section 347.4 of this Part, and provide pertinent information to such officials for the establishment of [paternity] parentage, the location of noncustodial parents [and putative fathers], alleged parents, and intended parents, and the enforcement and collection of support.

(13) Notify applicants or recipients who have assigned their support rights to the State and social services district of the time, date and place of any [paternity] parentage establishment and/or support proceedings involving such applicants or recipients. Such notice must state that the attorney initiating the proceeding represents the social services district.

(b) Each local child support enforcement unit (and its agents) shall cooperate with [OCSE] the DCSS as defined in section 347.1 of this Part in its monitoring and review of all local child support functions and activities.

(c) No child support functions may be delegated by the local child support enforcement unit to title IV-A or XX caseworkers who also perform the assistance payments or social services functions under title IV-A or XX. Requests by a sparsely populated county for waiver of this requirement should document a lack of administrative feasibility in not utilizing staff of the IV-A agency and include sufficient reporting and cost allocation methods. Such requests are to be forwarded to the [OCSE] DCSS as defined in section 347.1 of this Part.

Paragraphs (1) and (3) of subdivision (a) of § 347.5 are amended to read as follows:

(a) Upon receiving the referral form required to be completed by sections 360-3.2(c), 369.2(b), and [370.2(d)] 370.9 of this Title from an applicant for or recipient of public assistance or medical assistance, the local child support enforcement unit must:

(1) review the referral form and supporting documentation for completeness and determine if the information provided is sufficient to identify and locate the [absent] noncustodial parent [or putative father], alleged parent, or intended parent;

(3) make a determination as to whether the applicant or recipient has cooperated in good faith in establishing the [paternity] parentage of the child and in establishing, modifying and enforcing a support order for the child;

Subdivisions (c)–(d), (f)–(g), and (i)–(j) of § 347.5 are amended to read as follows:

(c) Upon receiving notice from the local income maintenance unit, medical assistance unit or an appropriate designee of the social services district that an applicant for or recipient of public assistance or medical assistance has claimed good cause for refusal to cooperate, the local child support enforcement unit must suspend all activities to establish [paternity] parentage or obtain child support in that case until notified of a final determination by the local income maintenance unit, medical assistance unit or an appropriate designee.

(d) Upon receiving notice from the local income maintenance unit, medical assistance unit or an appropriate designee that there has been a finding of good cause for refusal to cooperate, the

local child support enforcement unit shall not undertake to establish [paternity] parentage or obtain child support unless such notice of finding includes a determination, as provided in section 369.2(b)(10) or 360-3.2(f)(7) of this Title, that the child support enforcement unit may proceed without the applicant's or recipient's cooperation.

(f) The local child support enforcement unit shall undertake to establish [paternity] parentage and obtain support, without involving the caretaker relative, if the local income maintenance unit, medical assistance unit or an appropriate designee determines, as provided in section 369.2(b)(10) or 360-3.2(f)(7) of this Title, that good cause for refusal to cooperate exists, but that child support enforcement may proceed without the participation of the caretaker relative.

(g) Upon receiving notice from the local income maintenance unit, medical assistance unit or an appropriate designee that good cause for refusal to cooperate does not exist, the local child support enforcement unit shall initiate [paternity] parentage and support order establishment efforts and all support enforcement activities, as appropriate.

(i) In the case of an applicant for or recipient of public assistance who indicates the presence of domestic violence, the local child support enforcement worker must refer the individual to a domestic violence liaison for screening and assessment pursuant to section 351.2(l) of this Title. With respect to the children of the alleged batterer, the local child support enforcement unit shall not undertake to locate the [absent] noncustodial parent [or putative father], alleged parent, or intended parent, establish [paternity] parentage or establish, modify or enforce an order of support while the applicant or recipient is undergoing domestic violence screening or assessment.

(j) Upon receiving notice from the local income maintenance unit or an appropriate designee that a full or partial waiver of child support cooperation requirements has been granted on the basis of domestic violence, the local child support enforcement unit, to the extent required by such waiver, shall not undertake to locate the [absent] noncustodial parent [or putative father], alleged parent, or intended parent, establish [paternity] parentage or establish, modify or enforce an order of support with respect to the children of the batterer while such waiver is in effect.

Section 347.6 is amended to read as follows:

§ 347.6 Establishment of [paternity] parentage.

(a) For each case in which [paternity] parentage has not been established, the child support enforcement unit must carry out the following actions, provided, however, that, in any case involving rape or incest, or any case in which legal proceedings for adoption are pending, such actions need not be taken if, in the opinion of the child support enforcement unit, it would not be in the best interest of the child to establish [paternity] parentage:

(1) File a petition with the family court to establish [paternity] parentage, complete service of process or document on the [Child Support Management System (CSMS)] State automated child support management system (automated system) the unsuccessful diligent efforts to serve process, as defined in section 347.7(b)(7) of this Part.

(2) Seek entry of a default order of [paternity] parentage by showing that process has been served on the respondent [pursuant to section 525 of the Family Court Act and the respondent failed to respond to such service].

(3) [In any case where a putative father is excluded as the father of a child] In situations where assisted reproduction was not used and an alleged parent is excluded as the parent of the child but more than one [putative father] alleged parent of such child has been identified, the actions required by paragraphs (1) and (2) of this subdivision must be carried out for each such [putative father] alleged parent.

(4) Provide to the [putative father] alleged parent or intended parent the opportunity to voluntarily acknowledge [paternity] parentage pursuant to subdivision (d) of this section.

(b) The child support enforcement unit, for purposes of establishing [paternity] parentage, must identify and, after competitive procurement, contract with one or more laboratories to perform legally and medically acceptable genetic marker or DNA tests, [including blood tests,] which tend to identify [a father] an alleged parent or exclude [a putative father] an alleged parent from paternity. A list of such laboratories must be made available to appropriate courts and law enforcement officials, and to the public upon request.

(c) In each case registered with the State Parent Locator Service in which [a putative father] an alleged parent has been determined not to be the [father] parent of a child, the child support enforcement unit must close the [CSMS] automated system "location status" code within 10 working days. All information pertaining to such individual must be deleted from the case record except for: [his] the individual's name, date of birth, social security number, and the basis for the determination that the individual is not the [father] parent of the child.

(d) (1) Voluntary acknowledgments of [paternity] parentage. Notwithstanding the requirements of subdivision (a) of this section, the child support enforcement unit may obtain from the [putative father and mother] birth parent and the alleged parent or intended parent of a child born out of wedlock an acknowledgment of [paternity] parentage of a child as provided for in [subdivision 5 of section 33 of the Domestic Relations Law] section 516-a of the Family Court Act, section 111-k of Social Services Law, and section 4135-b of the Public Health Law by a [notarized] written statement signed by each parent and each signature witnessed by two individuals unrelated to the signatories. An individual may serve as a witness to both signatures.

(2) Contents of notice of rights and consequences. Prior to the execution of an acknowledgment of [paternity] parentage, the [putative father and the mother] birth parent and the alleged parent or intended parent must be advised orally and in writing of the consequences of making an acknowledgment as required pursuant to paragraph [(a)] (f) of subdivision 1 of section 4135-b of the Public Health Law, as follows:

(i) that the signing of the acknowledgment of [paternity] parentage establishes the [paternity] parentage of the child and has the same force and effect as an order of [paternity] parentage or filiation issued by a court of competent jurisdiction establishing the duty of both parties to provide support for the child;

(ii) that if an acknowledgment of [paternity] parentage is not made, the [putative father] signatory other than the birth parent can be held liable for support only if the family court, after a hearing, issues an order declaring that the [putative father is the father of] person is the parent of the child whereupon the court also may issue an order of support which may be retroactive to the date of the birth of the child;

(iii) that if the [putative father] alleged parent or intended parent is named as a respondent in a proceeding to establish [paternity] parentage, [he has] the signatory other than the birth parent has the right to free legal representation if indigent;

(iv) that the [putative father] alleged parent has a right to a [blood] genetic marker test or to a DNA test;

(v) that by executing the acknowledgment of [paternity] parentage, the [putative father] alleged parent waives [his] their right to a hearing, to which [he] they would otherwise be entitled, on the issue of [paternity] parentage;

(vi) that a copy of the acknowledgment of [paternity] parentage will be filed with the [putative father] registry [pursuant to] created by section 372-c of the Social Services Law and that such filing may establish the child's right to inheritance from the [putative father] alleged parent or intended parent pursuant to clause (B) of the subparagraph two of paragraph (a) of section 4-1.2 of the Estates, Powers and Trusts Law;

(vii) that if the acknowledgment of [paternity] parentage is filed with the registrar of the district in which the birth certificate has been filed, such acknowledgment will establish inheritance rights from the [putative father] alleged parent or intended parent pursuant to clause (A) of subparagraph two of paragraph (a) of section 4-1.2 of the Estates, Powers and Trusts Law;

(viii) that [both the putative father and the mother of the child have the right to make a motion for relief to the family court from the acknowledgment of paternity within one year from the date of signing the acknowledgment;] no further judicial or administrative proceedings are required to ratify an unchallenged acknowledgment of parentage provided, however, that: (a) A signatory to an acknowledgment of parentage, who had attained the age of eighteen at the time of execution of the acknowledgment, shall have the right to rescind the acknowledgment within the earlier of sixty days from the date of signing the acknowledgment or the date of an administrative or a judicial proceeding (including, but not limited to, a proceeding to establish a support order) relating to the child in which the signatory is a party, provided that the date of an administrative or a judicial proceeding shall be the date by which the respondent is required to answer the petition; (b) A signatory to an acknowledgment of parentage, who had not attained the age of eighteen at the time of execution of the acknowledgment, shall have the right to rescind the acknowledgment anytime up to sixty days after the signatory's attaining the age of eighteen years or sixty days after the date on which the respondent is required to answer a petition (including, but not limited to, a petition to establish a support order) relating to the child, whichever is earlier; provided, however, that the signatory must

have been advised at such proceeding of their right to file a petition to vacate the acknowledgment within sixty days of the date of such proceeding;

(ix) that after the expiration of the time limits to rescind, a signatory may challenge the acknowledgment of parentage in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the party challenging the voluntary acknowledgment;

(x) the [putative father and mother] birth parent and the other signatory may wish to consult with an attorney before executing the acknowledgment and that [the putative father and mother] they have a right to seek legal representation and supportive services including counseling regarding such acknowledgment;

[(x)] (xi) that the acknowledgment of [paternity] parentage may be the basis for the [putative father] signatory other than the birth parent establishing custody and visitation rights to the child [;

(xi) that if the acknowledgment of paternity is signed it may be the basis] and for requiring the [putative father's] consent of the signatory other than the birth parent prior to an adoption proceeding;

(xii) that the [mother's] birth parent's refusal to sign an acknowledgment of [paternity] parentage is not deemed to be a failure to cooperate in establishing [paternity] parentage for the child; and

(xiii) that the child may bear the last name of either parent, or any combination thereof, which name will not affect the legal status of the child.

(3) [Content of acknowledgment of paternity. An acknowledgment of paternity must contain the following:

(i) a written statement by the mother consenting to the acknowledgment of paternity by the putative father and stating that the putative father is the only possible father;

(ii) a written statement by the putative father that he is the biological father of the child; and

(iii) a written statement that the signing of the acknowledgment of paternity by both parties has the same force and effect as an order of filiation entered after a court hearing by a court of competent jurisdiction, including an obligation to provide support for the child except that the acknowledgment of paternity will have such force and effect with respect to inheritance rights only if it is filed with the registrar of the district in which the birth certificate has been filed.] Review of acknowledgment of parentage.

The child support enforcement unit must review the acknowledgment of parentage to ensure it is on the form developed by the Office for such use, responses are legible and complete, including but not limited to the following information:

(i) the social security number, if any, of each signatory;

(ii) the name and address, if known, of any gamete donor;

(iii) a response to the question as to whether the birth mother was married at the time of birth; and

(iv) a response to the question as to whether the other parent is the genetic father.

(4) Filing with the registrar. The child support enforcement unit must, within five business days of the parents' voluntary signing of the acknowledgment of [paternity] parentage, file the [original] executed acknowledgment with the registrar of the district in which the birth occurred and in which the birth certificate has been filed, pursuant to section [4135-b of the Public Health Law] 111-k of the Social Services Law.

[(5) Filing with the putative father registry. (i) The child support enforcement unit must, within five business days of the execution of an acknowledgment of paternity provide a copy of the acknowledgment of paternity to the putative father registry.]

[(6)] (5) Records relating to acknowledgments of [paternity] parentage which are signed in hospitals. If an acknowledgment of [paternity] parentage is signed in a hospital pursuant to section 4135-b of the Public Health Law, and if the [mother] birth parent is in receipt of child support [enforcement] services pursuant to title 6-A of article 3 of the Social Services Law, the child support enforcement unit located in the social services district within which the [mother] birth parent resides is entitled to secure from the registrar without charge a certified copy of the certificate of birth and a certified copy of the acknowledgment of [paternity] parentage. Copies of such documents must be maintained by the support collection unit in the appropriate child support case record.

[(7)] (6) Effect of voluntary acknowledgment of [paternity] parentage. An acknowledgment of [paternity] parentage signed pursuant to section 4135-b of the Public Health Law or section 111-k of the Social Services Law establishes the [paternity] parentage of a child and has the same force and effect as [an order] a judgment of [paternity] parentage or order of filiation issued by a court of competent jurisdiction.

Section 347.7 is amended to read as follows:

§ 347.7 Location of noncustodial parents/[putative fathers]alleged parents/intended parents and sources of income or assets.

(a) *Location* means obtaining information concerning the physical whereabouts of a noncustodial parent/[putative father], alleged parent, or intended parent, [a noncustodial parent's/putative father's] the employer(s) of the noncustodial parent, alleged parent, or intended parent, or other sources of income, assets, or medical support information as appropriate, which are sufficient and necessary to take the next appropriate action in a case.

(b) For all cases referred to the child support enforcement unit or applying for child support services under section 347.17 of this Part in which the location of the noncustodial parent/[putative father], alleged parent, or intended parent, or the income, assets, or medical support information of such person is unknown or unverified, the child support enforcement unit must:

(1) Use appropriate location sources such as the Federal Parent Locator Service (PLS) and State PLS; interstate location networks, local officials and employees administering

public assistance, general assistance, medical assistance, [food stamps] Supplemental Nutrition Assistance Program, and social services; records of State agencies and departments, as authorized by State law, including those departments which maintain records of public assistance, wages and employment, unemployment insurance, income taxation, driver[s] licenses and vehicle registration, and criminal records; relatives and friends of the noncustodial parent[/putative father], alleged parent, or intended parent; current or past employers; utilities, [the local telephone company] electronic communications and internet service providers, and the U.S. Postal Service; financial references; unions and fraternal organizations; and police, corrections, parole, and probation records, if appropriate; and other sources.

(2) Establish working relationships with all appropriate agencies in order to utilize location resources effectively.

(3) Employ methodologies that safeguard all confidential information and data pertaining to the noncustodial parent[/putative father], alleged parent, or intended parent obtained through location sources as provided in section 111-v of the Social Services Law.

(4) Within no more than 75 calendar days of determining that location efforts are necessary, access all appropriate location sources including transmitting appropriate cases to the State and the Federal PLS where there is sufficient information to initiate automated location efforts, ensure that location information is sufficient to take the next appropriate action in a case, and update automated case records as appropriate. Information critical to location activities includes the [noncustodial parent's/putative father's] name, social security number, last known address(es) and employer(s) of the noncustodial parent, alleged parent, and intended parent, and the date of birth of [his or her] their children.

(5) Refer appropriate cases to the IV-D agency of any other state. The IV-D agency of the other State shall follow the procedures as described in paragraphs (1), (2), (3) and (4) of this subdivision; except that the responding State is not required to access the Federal PLS under paragraph (4) of this subdivision.

(6) Repeat location attempts in cases in which previous attempts to locate the noncustodial parent[/putative father], alleged parent, or intended parent or sources of income and/or assets have failed but adequate identifying and other information exists to warrant submittal for location either immediately upon receipt of new information, or quarterly, whichever occurs sooner. Repeated attempts based on new information must meet the requirements of paragraph (4) of this subdivision. Quarterly attempts may be limited to automated sources but must include accessing State employment security files, including new hire reporting, wage reporting, and unemployment insurance benefits.

(7) Make a diligent effort to serve process on the noncustodial parent[/putative father], alleged parent, or intended parent, in cases in which previous attempts have failed but new information adequate to serve such process exists. Diligent effort to serve process on a noncustodial parent[/putative father], alleged parent, or intended parent means an attempt to serve process as soon as adequate information with respect to the location of [the noncustodial parent/putative father] such parent is obtained, but no later than 90 calendar days after receipt of such information.

(c) The child support enforcement unit is designated as the local agent to accept applications for State PLS services from agencies and individuals authorized by the Division of Child Support [Enforcement] Services within the Office [of Temporary and Disability Assistance].

Subdivisions (a)–(b), subparagraph (i) of paragraph (1) of subdivision (a), and subparagraph (i) of paragraph (3) of subdivision (b) of § 347.8 are amended to read as follows:

(a) *General case processing procedures.*

(1) In any case receiving child support services in which the location of the noncustodial parent [or putative father], alleged parent, or intended parent is known, the child support enforcement unit must:

(i) if there is no order of child support, establish [paternity] parentage if necessary pursuant to section 347.6 of this Part and establish an order of support pursuant to the child support standards set forth in section 240 of the Domestic Relations Law (DRL) and section 413 of the Family Court Act (FCA) as set forth in subdivision (b) of this section;

(b) *Establishment of a child support order.*

(3) In all other cases, the child support enforcement unit shall petition the Family Court for an order of support pursuant to paragraph (b)(1) of this section and:

(i) within 90 calendar days of locating a noncustodial parent [or putative father], alleged parent, or intended parent regardless of whether [paternity] parentage has been established, establish an order of support or complete service of process necessary to commence proceedings to establish an order of support and, if necessary, [paternity] parentage, or document on the automated case record the unsuccessful diligent efforts to serve process as defined in section 347.7(b) of this Part; and

Subdivisions (a)–(b) of § 347.11 are amended to read as follows:

(a) Each local child support enforcement unit shall cooperate with any other state:

(1) in establishing [paternity] parentage or assisting the other state in establishing [paternity] parentage;

(2) in locating [an absent] a noncustodial parent who is present in the district and against whom any action is being taken under a child support enforcement program in any other state;

(3) in processing all petitions and enforcing all court orders referred by another state, whether pursuant to the [Uniform Support of Dependents Law] Uniform Interstate Family Support Act (UIFSA) or other legal process;

(4) in collecting any support payments from the [absent] noncustodial parent and forwarding the entire amount within 10 days after the end of the month in which the collections were made directly to the appropriate state;

(5) by informing the [OCSE] DCSS of the status of the case, upon request; and

(6) in carrying out any other function required by the [OCSE] DCSS.

(b) All cases referred by local child support enforcement units to the child support enforcement unit of another state for assistance in locating [absent] noncustodial parents, alleged parents, or intended parents or obtaining acknowledgements of [paternity] parentage, shall be directed through the [OSCE] DCSS. All cases referred to another state to secure or enforce court-

ordered support shall be transmitted directly to that state. The local child support enforcement unit shall provide the child support enforcement unit of the other state with sufficient information to act on the case, including but not limited to the following:

- (1) whether the case involves a recipient of [ADC] public assistance;
- (2) the amount of the current assistance payment, if any;
- (3) notice of any termination of eligibility for assistance;
- (4) [absent] noncustodial parent's social security number and other identifying information, to the extent available; and
- (5) any other information prescribed under [State] state and [Federal] federal requirements.

Subdivisions (a), (c)–(d), paragraphs (1)–(2) of subdivision (c), and subparagraph (i) of paragraph (2) of subdivision (d) of § 347.17 are amended to read as follows:

(a) All child support services under this Part and Part 346 of this Title must be made available to any individual not otherwise eligible upon receipt of either (1) a signed application on a form prescribed by the [office] Office and filed by such individual with a child support enforcement unit or support collection unit, or (2) an application made to a court, as set forth in section 346.2 of this Title, and to individuals who become ineligible for public assistance and care or whose children are ineligible for foster care. Services are available only for the purposes of locating parents, establishing [paternity] parentage and/or establishing, modifying or enforcing child support. Such services cannot be provided in the absence of an application, as set forth in this subdivision. Application for legal services, for which costs are recovered as indicated in subdivision (d) of this section, is optional. Application forms for child support services must be:

(c) The child support services available upon application or pursuant to subdivision (f) of this section without a “right to recovery agreement for legal services” are:

- (1) assistance in the location of [putative fathers and] noncustodial parents, alleged parents, and intended parents, including the processing of the name of the [putative fathers and] noncustodial parents, alleged parents, and intended parents through the State Parent Locator Service and Federal Parent Locator Service in accordance with section 347.7 of this Part;
- (2) assistance in establishing [paternity] parentage and establishing and modifying child support obligations including the preparation and filing of [paternity] parentage, support and modification petitions as required in accordance with sections 347.6 and 347.8 of this Part;

(d)

- (2) (i) The attorney for the social services district may appear in any court proceeding brought by or on behalf of an applicant for legal services. The attorney appearing on behalf of the social services district shall represent the interests of the social services district and not the interests of any other party. The interests of the social services district shall include, but not be limited to: establishing [paternity] parentage; establishing and modifying orders of support in accordance with the Child Support Standards Act; and enforcing orders of support.

Subdivisions (b) and (d), and paragraphs (1)–(2) and (4) of subdivision (b) of § 347.18 are amended to read as follows:

(b) The case record must contain all relevant information developed and obtained including, but not limited to, the following:

- (1) a record of all contact with the applicant or recipient, the [absent] noncustodial parent/[putative father]alleged parent/intended parent, and the reason for such contact;
 - (2) a record of all efforts expended to locate the [absent] noncustodial parent/[putative father]alleged parent/intended parent, and the results of such efforts;
 - (4) [absent] noncustodial parent/[putative father]alleged parent/intended parent identifying data, including name, last known address, date of birth, social security number, employer, wage and health insurance information.
- (d) Each child support enforcement unit must keep such records as [OCSE] the DCSS may from time to time require.

Paragraph (1) and subparagraph (ii) and clause (a) of subparagraph (iii) of paragraph (4) of subdivision (a), and subparagraph (i) of paragraph (1), subclause (1) of clause (a) of subparagraph (iii) of paragraph (2), and subparagraph (i) of paragraph (3) of subdivision (b) of § 347.19 are amended to read as follows:

(a) *Use and disclosure.* (1) The Office [of Temporary and Disability Assistance (office)] and the Child Support Enforcement Unit (CSEU) shall maintain all information and data, including information and data in the State automated child support management system (automated system), in a confidential manner designed to protect the privacy rights of the parties and shall not use or disclose information or data except for the purpose of, and to the extent necessary to establish [paternity] parentage, to establish, modify, or enforce an order of support, or to administer the child support program, unless otherwise authorized by law.

(4) Authorized disclosures to government agencies or programs.

(ii) Notwithstanding anything in this section to the contrary, information obtained from the following sources may only be used for the purpose of, and to the extent necessary to, establish [paternity] parentage, establish, modify, or enforce an order of support or for the administration of the child support program:

(iii) Notwithstanding any other provision of this section, authorized disclosures under this paragraph shall be subject to the following limitations:

(a) Information in the automated system obtained from the national or State directory of new hires or Federal or State case registry may be disclosed to agencies administering plans or programs under title IV-B and IV-E of the Federal Social Security Act to locate parents [or putative fathers], alleged parents, or intended parents for the purposes of establishing [paternity] parentage or establishing parental rights with respect to a child.

(b) *State Parent Locator Service.* (1) State parent locator service. The [office] Office shall maintain a State parent locator service to submit requests to the Federal parent locator service and to provide location information to authorized persons for authorized purposes.

(i) For cases receiving child support services under title IV-D of the Social Security Act. The State parent locator service shall access the Federal parent locator service and other sources of information and records within the State or other states, if available, for locating custodial and noncustodial parents, alleged parents, or intended parents, or children for the purpose of establishing [paternity] parentage, for establishing, modifying or enforcing child support obligations, or for the administration of the child support program under title IV-D of the Social Security Act.

(2) Authorized persons. The State parent locator service shall accept requests for locate information only from the following authorized persons/entities:

(iii) (a) the custodial parent, legal guardian, or the attorney of the child or caretaker relative having custody of a child who is not receiving assistance under title IV-A of the Social Security Act, but only if the individual:

(1) attests that the request is being made to obtain information on, or to facilitate the discovery of, the location of any individual for the purpose of establishing [paternity] parentage, or establishing, modifying, or enforcing child support obligations;

(3) Authorized purposes for requests and scope of information provided. The State parent locator service shall obtain and disclose the information set out below, subject to the privacy safeguards required under title IV-D of the Social Security Act and the Social Services Law, only for the following purposes:

(i) To locate an individual with respect to a child in a support or [paternity] parentage proceeding (whether receiving services pursuant to title IV-D of the Federal Social Security Act or not) or a case under titles IV-B or IV-E of the Social Security Act. The State parent locator service shall locate individuals for the purpose of establishing parentage, or establishing, modifying, or enforcing child support obligations, for the administration of the child support program under title IV-D of the Social Security Act, or for determining who has or may have parental rights with respect to a child. For these purposes, only information available through the Federal or State parent locator services may be provided. This information is limited to Social Security number(s), most recent address, employer name and address, employer identification number, wages or other income from, and benefits of, employment, including rights to, or enrollment in, health care coverage, and asset and debt information.

Subdivisions (b)–(c), paragraphs (2)–(3) and subparagraphs (i)–(iii) of paragraph (3) in subdivision (b) of § 347.24 are amended to read as follows:

(b) In order to be eligible for closing, a child support case must meet at least one of the following criteria:

(2) the noncustodial parent [or putative father], alleged parent, or intended parent is deceased and no further action, including a levy against the estate, can be taken;

(3) [paternity] parentage cannot be established because:

(i) the child is at least 21 years old in this State and an action to establish [paternity] parentage is barred by an applicable statute of limitations;

(ii) a genetic test or a court or administrative process has excluded the [putative father] alleged parent or intended parent as the father of the child and no other [putative father] alleged parent or intended parent of such child can be identified;

(iii) in accordance with section 347.6(a) of this Part, the child support enforcement unit has determined that it would not be in the best interests of the child to establish [paternity] parentage in a case involving incest or forcible rape, or in any case where legal proceedings for adoption are pending; or

(c) In cases meeting the criteria in paragraphs (b)(1) through (6) and (10) through (12) of this section, the child support enforcement unit must notify the recipient of child support services, or in an intergovernmental case meeting the criteria for case closing under paragraph (b)(12) of this section, the initiating agency, in writing, 60 calendar days prior to closure of the case of the child support enforcement unit's intent to close the case. The case must be kept open if the recipient of child support services or the initiating agency supplies information which could lead to the establishment of [paternity] parentage or a support order, or enforcement of an order, or, in the instance of paragraph (b)(10) of this section, if contact is re-established with the recipient of child support services. If the case is closed, the former recipient of child support services may request at a later date that the case be reopened, if there is a change in circumstances which could lead to the establishment of [paternity] parentage or a support order or enforcement of an order by completing a new application for child support services and paying any applicable application fee.



Office of Temporary and Disability Assistance

ANDREW M. CUOMO
Governor

MICHAEL P. HEIN
Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

CERTIFICATION

I hereby certify that the attached amendments to § 346.2 and Part 347 of Title 18 of the *Official Compilation of Codes, Rules, and Regulations of the State of New York* are duly adopted by me, Commissioner Michael P. Hein, on this date pursuant to authority vested in the New York State Office of Temporary and Disability Assistance by Title 42 of United States Code §§ 651-657, 660, 663-664, and 666-667; Title 45 of the Code of Federal Regulations § 303.5; Family Court Act § 516-a; Public Health Law § 4135-b; Social Services Law §§ 17(a)-(b) and (k), 20(3)(d), 34(3)(f), 111-a, 111-c, and 111-k; Part L of Chapter 56 of the Laws of 2020.

These amendments shall be effective upon publication of the Notice of Adoption in the *New York State Register*.

The Notice of Proposed Rule Making for these amendments was previously published in the *New York State Register* on March 31, 2021, under I.D. No. TDA-13-21-00010-P.

No other publication of prior notice is required by statute.

/s/ Michael P. Hein

Michael P. Hein
Commissioner

7/26/21

Date