

103^D CONGRESS
2^D SESSION

H. R. 4898

To strengthen paternity establishment.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1994

Mr. COOPER (for himself and Mr. GORDON) introduced the following bill;
which was referred to the Committee on Ways and Means

A BILL

To strengthen paternity establishment.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROCEDURES AT TIME OF BIRTH.**

4 (a) HOSPITAL- AND OTHER BIRTHING CENTER-
5 BASED PATERNITY.—Section 466(a)(5)(C) of the Social
6 Security Act (42 U.S.C. 666(a)(5)(C)) is amended by add-
7 ing at the end the following: “Such procedures shall also
8 apply to birthing centers other than hospitals, shall re-
9 quire that any State agency that provides such services
10 use the same materials used by, provide the personnel pro-
11 viding such services with the same training as, and evalu-
12 ate the provision of such services in the same manner as,

1 hospital-based paternity establishment programs, and
2 shall require the hospital or other birthing center, at the
3 time a pregnant woman is admitted to the hospital or
4 other birthing center to give birth, to request the father
5 of the child to provide his name and social security ac-
6 count number, which the hospital or other birthing center
7 shall transmit to the State agency responsible for issuing
8 birth certificates for inclusion in the birth certificate of
9 the child.”.

10 (b) INCLUSION OF PARENTS’ SOCIAL SECURITY
11 NUMBERS ON CHILD’S BIRTH CERTIFICATE.—Section
12 466(a) of such Act (42 U.S.C. 666(a)) is amended by in-
13 serting after paragraph (11) the following:

14 “(12) Procedures which require the State agen-
15 cy responsible for issuing birth certificates to include
16 on the birth certificate of a child the name and so-
17 cial security account number (if available) of each
18 parent of the child.”.

19 **SEC. 2. PATERNITY ACKNOWLEDGEMENT AFFIDAVITS.**

20 (a) ESTABLISHMENT OF NATIONAL AFFIDAVIT.—
21 Section 452(a)(7) of the Social Security Act (42 U.S.C.
22 652(a)(7)) is amended by inserting “, and develop an affi-
23 davit to be used for the voluntary acknowledgement of pa-
24 ternity” before the semicolon.

1 (b) SIGNED AFFIDAVIT CONCLUSIVELY USED TO ES-
2 TABLISH PATERNITY.—Section 466(a)(5)(D) of such Act
3 (42 U.S.C. 666(a)(5)(D)) is amended—

4 (1) by inserting “(i)” after “(D)”; and

5 (2) by adding at the end the following:

6 “(ii)(I) Such procedures shall provide that a written
7 voluntary acknowledgement of the paternity of a child
8 shall, upon the expiration of the challenge period, create
9 a legal finding of paternity—

10 “(aa) without any further action; or

11 “(bb) at the option of the State, after a court
12 or administrative agency with which the document
13 containing the acknowledgement has been filed with-
14 in 5 business days after the expiration of the chal-
15 lenge period issues an order establishing such pater-
16 nity.

17 “(II) As used in subclause (I), the term ‘challenge
18 period’ means, with respect to an acknowledgement of pa-
19 ternity—

20 “(aa) the 30-day period that begins on the date
21 of acknowledgement; or

22 “(bb) if the person who executed the acknowl-
23 edgement undergoes genetic testing within the 30
24 days after the date of the acknowledgement, the 30-

1 day period that begins with the date the person is
2 notified of the results of the genetic testing.”.

3 (c) SENSE OF THE CONGRESS.—The Congress en-
4 courages States to develop procedures in public hospitals
5 and clinics to facilitate the acknowledgement of paternity.

6 **SEC. 3. AFDC BENEFITS CONDITIONED ON COOPERATION**
7 **IN PATERNITY ESTABLISHMENT.**

8 Section 402(a) of the Social Security Act (42 U.S.C.
9 602(a)) is amended—

10 (1) by striking “and” at the end of paragraph
11 (44);

12 (2) by striking the period at the end of para-
13 graph (45) and inserting “; and”; and

14 (3) by inserting after paragraph (45) the fol-
15 lowing:

16 “(46)(A) except as provided in subparagraph
17 (B), aid under the State plan shall not be payable
18 to a family applying for such aid with respect to a
19 dependent child whose paternity has not been estab-
20 lished, unless—

21 “(i) the child was conceived as a result of
22 rape or incest; or

23 “(ii) the State determines that efforts to
24 establish such paternity would result in physical
25 danger to the relative claiming such aid;

1 “(B) if the paternity of a dependent child has
2 not been established, the relative claiming such aid
3 alleges that any of not more than 3 named individ-
4 uals may be the father of the child and provides the
5 address of each of the named individuals, or the im-
6 mediate relatives of each of the named individuals,
7 and the State has not disproved the allegation,
8 then—

9 “(i) aid under the State plan shall be pay-
10 able to the family in the amount payable to a
11 family whose size is determined without regard
12 to the dependent child, and

13 “(ii) the entire family shall be eligible for
14 medical assistance under the State plan ap-
15 proved under title XIX; and

16 “(C) the relative claiming such aid shall have
17 the burden of proving any allegation of paternity of
18 a dependent child by an individual who is deceased,
19 in accordance with procedures established by the
20 State in consultation with the Secretary.”.

21 **SEC. 4. INCREASE IN PATERNITY ESTABLISHMENT PER-**
22 **CENTAGE.**

23 Section 452(g)(1) of the Social Security Act (42
24 U.S.C. 652(g)(1)) is amended by striking all that follows
25 “—” and inserting the following:

1 “(A) 90 percent;

2 “(B) for a State with a paternity establish-
3 ment rate of not less than 50 percent but less
4 than 90 percent for such fiscal year, the pater-
5 nity establishment percentage of the State for
6 the immediately preceding fiscal year plus 6
7 percentage points; or

8 “(C) for a State with a paternity establish-
9 ment rate of less than 50 percent for such a fis-
10 cal year, the paternity establishment percentage
11 of the State for the immediately preceding fiscal
12 year plus 10 percentage points.”.

13 **SEC. 5. PRENATAL ESTABLISHMENT EFFORTS BY STATES.**

14 Section 466(a)(5)(A) of the Social Security Act (42
15 U.S.C. 666(a)(5)(A)) is amended by redesignating clauses
16 (i) and (ii) as clauses (ii) and (iii), respectively, and by
17 inserting after “(5)(A)” the following:

18 “(i) Procedures which require that, as soon as
19 an officer or employee of the State becomes aware,
20 in the performance of official duties, of a pregnant,
21 unmarried woman, the officer or employee must—

22 “(I) inform the woman, orally and in writ-
23 ing, that she will be ineligible for aid under the
24 State plan under part A unless she informs the
25 State of the identity of the prospective father

1 and, after the woman gives birth, cooperates in
2 establishing the paternity of the child; and

3 “(II) encourage the woman to urge the
4 prospective father to acknowledge paternity of
5 the child.”.

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