

ALASKA TEMPORARY ASSISTANCE MANUAL

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712 CARETAKER RELATIVES

In order for a dependent child to be eligible for Temporary Assistance, the child must be living in the home of a "caretaker relative." The caretaker relative must maintain a home for the child and exercise or provide responsibility for the care and supervision of the child. A caretaker relative may also be eligible for Temporary Assistance if he/she requests to be included in the assistance unit and meets other eligibility requirements of the program.

712-1 DEFINITION OF A CARETAKER RELATIVE

A caretaker relative is a person in one of the following groups:

- A caretaker relative is a person who is related to the dependent child by full or half-blood and who is within the fifth degree of kinship to the child.

<u>Relative</u>	<u>Degree of Kinship</u>
Mother Father	1st degree
Sister Brother Grandparent	2nd degree
Great-grandparent Uncle or Aunt Nephew or Niece	3rd degree
Great-great-grandparent Great uncle or great aunt First cousin	4th degree
Great-great-great grandparent Great-great uncle or great-great aunt First cousin once removed (child of first cousin)	5th degree

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- Stepfather, stepmother, stepbrother, or stepsister.
- Persons who legally adopt a child or his parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law.
- Spouses of any persons named above, even after the marriage is terminated by death or divorce.
- Biological relatives, whose legal and financial relationship to the dependent child have been severed through an adoption, may still be considered as caretaker relatives.

A caretaker relative does not include a guardian, friend, neighbor, non-related godparent, second cousin, or a person given the responsibility to care for a dependent child. Temporary Assistance eligibility does not exist for an applicant or his or her children unless the applicant can demonstrate that he or she fits into one of the groups listed above, or meets temporary eligibility criteria for cultural adoption.

Verification. *The caretaker relationship between a mother and child needs to be verified only when the:*

- *Information is questionable;*
- *Child was born in another state; or*
- *Child is adopted*

All other caretaker relationships, including the paternal relationship between a father and child, must be verified.

In verifying caretaker relationships, official documents should be sought and copies made for the case recored. In some cases, a chain of several documents may be necessary. If documentary evidence is not available, other sources of verification may be acceptable. Please see the Administrative Procedures manual for more information about verification procedures for caretaker relationships.

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In some cases where verification is required, and the case worker has no reason to question the relationship, the applicant's statement of the relationship may be accepted temporarily at application and verified later. (See section 700-5, Incomplete Verification)

712-2 LIVING WITH A CARETAKER RELATIVE

In most cases, the requirement of "living with" a caretaker relative is simply a matter of demonstrating that the child or children being applied for actually live in the same residence as the caretaker relative.

Determining if an applicant and children meet the requirement of living in the home of a caretaker relative actually involves answering 3 separate questions:

1. Is the applicant a caretaker relative?
2. Can the children on whose behalf he is applying be considered to be living with him?
3. Are they living with him in his home?

712-3 PARENTAL RELATIONSHIP

A. DEFINITIONS

1. Definition of a Natural Parent

For determining relationship for Temporary Assistance purposes, a "natural parent" is an individual named as a child's mother or father on the child's official birth record, unless a court makes a formal finding to the contrary.

If a child's father is not named on the official birth record, or the name that does appear is disputed, DPA may establish the father's relationship to the child using the Bureau of Vital Statistics Affidavit of Paternity and following the procedures described in this section.

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2. Definition of an Adoptive Parent

A caretaker relative may be related to a child by adoption. When a child is adopted, the Bureau of Vital Statistics office will issue a new birth certificate for the adopted child, listing the adoptive parent(s) as the parent(s) of the child. The adoptive parent(s) assume the responsibility for the care and support of the child, and the biological (birth) parent's legal obligation to support the child ends with the adoption.

If the official birth record does not reflect the adoptive parent(s), contact BVS to verify the adoption.

In every case situation, eligibility based on an adoption is fully verified only if a birth certificate listing the adoptive parent(s) is issued.

3. Definition of an Official Birth Record

An "official birth record" is a birth certificate issued and certified by the Bureau of Vital Statistics (BVS) in Alaska or from another state, or a paper printout of a birth record obtained from Alaska's BVS on-line birth record system (VITAL).

A hospital certificate is **not** considered an official record of birth. See [section 712-3F](#) below describing the procedures for use of hospital certificates as secondary verification.

4. Definition of an Administrative Agency

In this chapter, an "administrative agency" means an agency authorized by law to determine paternity. In Alaska, the Child Support Enforcement Services Division (CSEDCSSD) is an example of an administrative agency authorized by law to determine paternity.

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B. VERIFYING PARENTAL RELATIONSHIP FOR CHILDREN BORN IN ALASKA

1. Mother Married

If a child is born in Alaska and the child's mother was legally married at the time of conception, during the pregnancy, or at birth, the mother's husband is, under state law, the child's natural father.

The Bureau of Vital Statistics (BVS) is required to list the husband's name as the child's father on the child's official birth record (whether the parents are separated or not), unless:

- the mother states that her husband is not the father of the child, names another man as the child's natural father, and all three individuals execute an Affidavit of Paternity (BVS form 16); or
- A court or an administrative agency determines that someone other than the husband is the child's father.

(a) Marital Status Reported Incorrectly to BVS

Occasionally, a mother's marital status may not be reported correctly to the BVS. When this happens, a child's birth certificate may incorrectly name a father, or the name of the father may not be listed.

For this reason, case workers must consider the mother's marital status at conception, during pregnancy, and upon birth of a child.

(b) Birth Certificate Does Not Name Father

If the child's mother was married at the time of conception, during pregnancy, or at birth, and the child's birth certificate (or on-line VITAL birth record) **does not** name a father, consider the mother's husband at the time of the child's conception, during pregnancy, or at birth to be the child's father except when:

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- the mother states that her husband is not the father of the child, names another man as the child's natural father, and all three individuals execute an Affidavit of Paternity (BVS form 16); or
- a court or administrative agency rules that the mother's husband is not the child's father.

In this situation, consider the individual named by the court as the child's natural father. If the ruling finds that the husband is not the father without stating who the father actually is, consider the father unknown. If a possible father lives in the home, follow the procedures in [section 712-3D](#) below to establish the alleged father's relationship to the child.

(c) Birth Certificate Names Someone Other Than Husband As Father

If the child's mother was married at the time of conception, during pregnancy, or at birth and the on-line VITAL birth record or a birth certificate provided by the client does not name the mother's husband as the child's father, the case worker must contact the BVS office in Juneau to clarify the discrepancy and to verify the correct name of the child's father.

The individual verified by the BVS as being the child's father is considered the child's natural father.

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(d) **Client Dispute**

If a client alleges that her spouse or ex-spouse is not the father of her child, explain the client's right to execute a paternity affidavit by all three parties, and give the client a BVS Affidavit of Paternity (BVS form 16). If the client wishes to dispute other information reported on the child's official birth record, refer the client to the BVS office in Juneau.

2. **Mother Not Married**

(a) **Birth Certificate Does Not Name Father**

If a child's mother was not married at the time of conception, during pregnancy, or at birth, and the birth certificate **does not** list the name of the child's father, the BVS Affidavit of Paternity (BVS form 16) may be used to establish a father's relationship to a child born in Alaska.

Once a properly completed Affidavit of Paternity is received in the district office and the original is sent to BVS, relationship to the father is considered to be established for a child who was not conceived or born during a marriage.

***Note:** If a case worker believes that a male living in the home may be the father of a child born out of wedlock and paternity for the child has not been established, the male must complete the DPA Statement of Relationship (Gen #7).*

*If the male indicates on this form that he is **not** the father of the child, the male is not considered to be the child's father. Send a copy of the GEN #7 to the CSED noting the client's EIS case number and case name on the top of the form. If a Child Support Information form (CSED #1603) is also obtained, send the #1603 to CSED with the GEN #7.*

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If the male indicates on the form that he is the father of the child, consider the male to be the child's father. The male must complete the BVS Affidavit of Paternity to establish his relationship to the child.

(b) Birth Certificate Names Father

If the child's mother was not married at the time of conception, during pregnancy, or at birth and the child's official birth record **does** list the name of the child's father, the individual listed on the child's official birth record is considered to be the child's natural father.

C. VERIFYING PARENTAL RELATIONSHIP FOR CHILDREN BORN IN ANOTHER STATE

1. Birth Certificate Names Father, or Relationship Established by a Court

If a child was born in another state, the individual named as the child's father on the child's official birth record (or so determined by a court) is considered to be the child's natural father.

2. Birth Certificate Does Not Name Father, Relationship Not Established by a Court

If a child was born in a state other than Alaska and the name of the child's father is not listed on the child's birth certificate and paternity has not been established by a court, the BVS Affidavit of Paternity may be used to establish the father's relationship to the child.

Once a completed Affidavit of Paternity is received in the district office, consider the alleged father to be the child's natural father and his relationship to the child established.

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Special Distribution Procedure for Affidavit of Paternity

- **Two-Parent Households**

File the original affidavit in the permanent documents section of the client's case record. Do not send the affidavit of paternity to the CSED.

Special Note: If a parent leaves and is removed from the Temporary Assistance case, send the original affidavit to the CSED office in Anchorage with the Child Support Information form (CSED #1603) noting the client's EIS case number and name at top of form. File a copy of the original affidavit in the permanent documents section of the client's case record.

- **One-Parent or Caretaker Relative Households**

Send the original affidavit to the CSED office in Anchorage, noting the client's EIS case number and the case name on the top of the form. File a copy of the affidavit in the permanent documents section of the client's case record.

Do Not Send the Affidavit of Paternity to the BVS. The BVS in Alaska cannot establish paternity for a child born in another state.

CSED Findings. If the CSED later determines that the alleged father is not in fact the child's father, eligibility must then be redetermined using the child's father reported by the CSED.

D. THE BUREAU OF VITAL STATISTICS AFFIDAVIT OF PATERNITY

1. When the BVS Affidavit of Paternity Can Be Used to Establish Relationship

The BVS Affidavit of Paternity may be used to establish the relationship of a father to a child when:

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- (a) The child was born in Alaska and the child's mother:
 - (1) was **not** married at the time of conception, during pregnancy, or at birth and the child's official birth record does not list the name of the child's father;
 - (2) **was** married at the time of conception, during pregnancy, or at birth, and a court or an administrative agency rules that a mother's husband or ex-husband is not the father of the child but does not make a separate ruling of paternity or name the actual father of the child; or
 - (3) **was** married at the time of conception, during pregnancy, or at birth and the mother states that her husband is not the father of the child, names another man as the child's natural father, and all three individuals execute an Affidavit of Paternity (BVS form 16).
- (b) The child was **not** born in Alaska, the name of the child's father is not listed on the child's birth certificate, and paternity has not been established by a court or an administrative agency.

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2. Completing the Affidavit of Paternity

(a) Instructions

Instructions for completing the BVS Affidavit of Paternity are on the back of the form. The affidavit must be completed by both of the child's parents, and the mother's husband, if applicable. All signing parties must have their signatures notarized separately.

The Notary Public must witness the signatures and notarize the Affidavit. If a Notary Public is not available in the client's community, a postmaster may witness the signatures. The postmaster must sign his or her name and place his or her seal near each signature.

(b) Parent Deceased, Ill, or Whereabouts Unknown

If the child's mother or father is not available to sign the Affidavit of Paternity because one parent is deceased, medically incapable, or his or her whereabouts are unknown, and it is necessary to establish the alleged father's relationship to a child, the client must obtain a ruling from a court of competent jurisdiction that establishes the father's relationship to the child.

The client submits a certified copy of the court ruling to BVS for issuance of a corrected official birth record.

3. Distribution

Once a valid Affidavit of Paternity is received in the district office, identify the form as being received by DPA by writing DPA on top of the form or stamping it with the local office address stamp.

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Make two copies of the form. **Send the original affidavit by certified mail** to:

Bureau of Vital Statistics
P.O. Box 110675
Juneau, Alaska 99811-0675

Send one copy of the affidavit to the CSED office in Anchorage, noting the client's EIS case number and the case name on the top of the form. File the second copy of the form in the permanent documents section of the client's case record.

***Exception:** If the Affidavit of Paternity is used to establish relationship for a child born in another state, the Affidavit is **not** sent to the BVS. Instead, follow the distribution procedures explained in [section 712-3C.2](#).*

4. Fees

The BVS charges a fee for processing the Affidavit of Paternity or court order to add the name of the child's father to the child's official birth record. The list of fees is found on the back of the Affidavit of Paternity form.

(a) **Waiver of Fees for DPA**

BVS will waive the processing fee for DPA since the affidavit is used solely to determine eligibility for public assistance and DPA can obtain the birth record information from the on-line birth verification system (VITAL). Therefore, case workers must inform clients that it is **not** necessary to submit the processing fee with an affidavit submitted through DPA, unless the client wants a certified birth certificate.

(b) **Client Requests Issuance of Revised Birth Certificate**

If a client wishes to obtain a revised birth certificate, the client must pay the fee to the BVS.

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Instruct the client to send the affidavit of paternity to DPA and allow four weeks before requesting a revised certificate from the BVS. Instruct clients to send their request for a revised birth certificate in writing to the BVS office in Juneau along with a personal or cashier's check payable to BVS.

(c) **Fees Submitted to DPA**

If a client sends the BVS processing fee to the district office along with the BVS Affidavit of Paternity despite the fee waiver for DPA, the district office must forward the payment to the BVS with the Affidavit of Paternity.

If the client sends cash, the district office must purchase a money order. **Do not send cash to the BVS.** The money order must be purchased by the district office using the client's cash to pay for the face amount of the money order, and the district office petty cash fund to pay for the purchase fee for the money order.

5. Revised Birth Records

A revised birth record, listing the name of the child's father, should be available from the BVS (and on the on-line VITAL system) within four weeks from the date the affidavit is mailed to the BVS.

If, after four weeks have elapsed, the revised information does not appear on the on-line birth verification system (VITAL), the case worker must contact the BVS in Juneau to verify receipt and follow up on the status of the affidavit.

E. CONTACTING THE BUREAU OF VITAL STATISTICS (BVS) OFFICE

Each time the BVS office is contacted to verify birth record information for a child born in Alaska, the case worker must provide the following information (if applicable) about the child:

- Birth Certificate Number (if known)

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- Full name and date of birth
- Mother's maiden name and the mother's married name
- Mother's husband's name
- Mother and father's date of marriage
- Mother and father's date of divorce/annulment
- Alleged father's name

To verify the status of birth record information for an adoption or cultural adoption, provide the:

- Child's birth name (if known) and adoptive name
- Child's date of birth
- Adoptive parents' names

Note: Policy for children adopted under tribal custom is described below in Section G.

F. HOSPITAL CERTIFICATES

A hospital birth certificate (from a hospital in Alaska or from another state) is not considered an official record of birth. Hospital certificates are complimentary records issued by hospitals as a courtesy to the parent(s) and do not serve as primary evidence of paternal relationship for Temporary Assistance purposes.

When a child's official birth record is not available, a hospital record may be used as evidence to verify a child's age and relationship to the mother. When it is necessary to verify the child's relationship to his or her father, as in two-parent cases, or to establish a child's relationship to a paternal relative, case workers must use the procedures described in this section.

When it is not possible to complete these procedures, other sources of verification of the paternal relationship may be used, such as court records, information from Child Support Services Division or Office of Children Services, or guardianship documents. See the Administrative Procedures Manual for more information about verification procedures for caretaker relationships.

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G. CHILDREN ADOPTED UNDER TRIBAL CUSTOM

Relationship established by an adoption made under tribal custom is like that established by a court-ordered adoption. That is, the adoptive parent(s) assume the responsibility for the care and support of the child, the biological parents' obligation to support the child is terminated by the adoption, and the BVS issues a new birth certificate for the adopted child.

The one difference from a court-ordered adoption is that temporary eligibility may be found for a child while the cultural adoption paperwork is being processed as explained below:

1. Two Months Temporary Eligibility Pending New Birth Certificate

Two months of Temporary Assistance eligibility may be established on the basis of a parent-child relationship for a child adopted under tribal custom while the adoptive family await issuance of the child's new birth certificate if **all** of the following conditions are met:

- (a) The family provides copies of the documents required by the BVS for issuance of the new birth certificate. The documents are:
 - Report of Adoptions Occurring Under Tribal Custom
 - Tribal Statement
 - Parental Statement, **AND**
- (b) BVS verifies that each of the necessary documents were received in their office, that the documents are "complete" and that issuance of the new birth certificate is pending.

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To be considered complete, each of the documents must give correct and thorough information about the child's biological and adoptive parent(s). Also, the Paternal Statement and Report of Adoption must be signed by a tribal official, or affixed with the tribal seal, or be accompanied by a tribal resolution affirming that a customary adoption has occurred.

2. Extended Temporary Eligibility

The initial two months of temporary eligibility may be extended. In the second month of eligibility, verify with the BVS on-line birth record system (VITAL) that the child's birth record reflects the adoption. If the birth record does not reflect the adoption, contact BVS to confirm that the adoption and issuance of the new birth certificate record is pending. Once confirmed, Temporary Assistance benefits may be continued, if the family is otherwise eligible.

Note: Complete this verification process each month to support the factor of eligibility based on parent-child relationship until issuance of the new birth certificate is complete.

3. Date of Eligibility

Upon verification of the new birth record, eligibility is confirmed based on the new parent-child relationship back to the date that Temporary Assistance was requested for the adopted child.

4. Situations In Which Eligibility Does Not Exist

Temporary Assistance eligibility does not exist on the basis of the alleged adoptive relationship, if, at anytime, the BVS reports that:

- The cultural adoption documents are incomplete,
- The family failed to provide necessary information or documentation to complete the adoption, or
- There is legal impediment.

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Note: Eligibility may exist on the basis of some other blood or marital relationship of the caretaker relative to the child.

If Temporary Assistance eligibility does not exist, the appropriate adverse action and/or action to recover any overpayments must be taken.

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