

137-055-3020

Paternity Establishment Procedures

- (1) When a case involves a child who is not yet born, the administrator will take no action to establish paternity or to provide locate services until such time as the child is born.
- (2)(a) In all cases in which a child was conceived in Oregon, the administrator will initiate legal proceedings to establish paternity under ORS chapter 109 or ORS chapter 416.
 - (b) Except for proceedings filed under ORS chapter 109, past support shall be established as provided by ORS chapter 416 and OAR 137-055-3220.
- (3) In all cases in which a party alleges facts, which if true, conclusively establish paternity under ORS 109.070, and if a man other than the man who is alleged to be conclusively presumed as the legal father has been named by a party as a possible biological father of the child in question, the administrator will certify the case to the appropriate circuit court for a determination of whether the conclusive presumption found in ORS 109.070 applies.
- (4) In all cases in which the mother states that more than one man could be the biological father of the child and parentage tests have excluded a man as the father of the child, the following provisions apply:
 - (a) If there is only one remaining untested possible biological father, that man is constructively included as the father by virtue of the other man's exclusion as the father.
 - (b) If there are more than one remaining untested possible biological fathers, the administrator will initiate action against each man, either simultaneously or one at a time, to attempt to obtain parentage tests which either exclude or include the man.
- (5) In all cases in which the mother states that more than one man could be the biological father of the child and parentage tests have included a man as the father of the child at a cumulative paternity index of at least 99, any other untested possible father(s) will be considered to be constructively excluded by virtue of the first man's inclusion.
 - (6)(a) The Child Support Program may initially pay the costs of parentage tests, and will seek reimbursement of those costs, but may agree to waive the costs.
 - (b) If an alleged father fails to appear as ordered for parentage tests, but the mother and child have appeared, reimbursement will be sought from the alleged father for the costs incurred.
 - (c) The maximum amount allowed to be entered as a parentage test judgment against a party is the amount the Child Support Program agrees to pay a parentage testing laboratory used to perform the tests.
 - (d) A judgment for parentage test costs reimbursement will not be sought:

- (A) Against a person who has been excluded as a possible father of a subject child;
- (B) If the mother stated that more than one man could be the father of the child, and has been unable to name a most likely alleged father, and the man tested has not objected to the entry of an order establishing paternity; or
- (C) If the alleged father has applied for services under ORS 25.080 and requested paternity establishment in accordance with OAR 137-055-3080.
- (7) A judgment for parentage test costs reimbursement will not be sought against any person found to be the legal father for costs attributable to testing other alleged fathers in any case in which the mother stated that more than one man could be the father of the child.
- (8) When a party requests additional parentage testing as provided in ORS 109.252(2), the following provisions apply:
- (a) The laboratory selected for additional testing must be a laboratory approved by accreditation bodies designated by the Department of Human Services; and
- (b) The party making the request must advance the costs of the additional tests to the accredited laboratory.
- (9) Upon receipt of a party's request for additional parentage testing and proof that payment has been advanced to an accredited laboratory, the administrator or the court shall order additional testing.
- (10) If a non-requesting party fails to appear for the additional parentage testing, the administrator shall take appropriate steps to compel obedience to the order for additional testing.
- (11) If a requesting party fails to appear for the additional parentage testing, the administrator may enter an order in accordance with OAR 137-055-3100.
- (12) The administrator may dismiss or terminate a proceeding to establish paternity after sending written notice to the parties that the case is being considered for dismissal or termination and that any comments or objections must be made within 10 days.

Stat. Auth.: section 2, Chapter 73, Oregon Laws 2003
Stats. Implemented: ORS 416.430