

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, following is a concise explanatory statement:

AGENCY: Department of Human Services

DIVISION: *(If any)*

RULE IDENTIFIER: 218-RICR-30-00-1

RULE TITLE: Child Support Program Rules and Regulations

REASON FOR RULEMAKING:

- A. This amendment to the Child Support Program Rules and Regulations is being made to support the passage of R.I. Gen. Laws Chapter 15-8.1, Article 6 of the Uniform Parentage Act, effective January 1, 2021. Changes are being made to amend the legality in determining the parentage of a child born within or outside of a marriage, to opposite gender or same gender couples. Changes to wording throughout the regulation, based on the Uniform Parentage Act, include changing paternity to parentage, mother and / or father to parent, husband to spouse, and putative father to alleged genetic parent.
- B. This amendment will also align the Child Support Program Rules and Regulations with the IRS Federal Regulation intercept timeline for holding offsets. It will change the hold from one hundred and twenty (120) days to one hundred and eighty (180) days (§ 1.20.11). This change will allow the spouse of the non-custodial parent more time to request their portion of diverted funds to avoid any potential financial harm.
- C. The Department has included telephonic appearance to in person appearance, throughout the regulation.
- D. Changes to the Regulation are as follows:
 - §1.2.2 - Clarified “non-assistance parent” to a parent “who is not receiving any type of assistance”
 - Clarification of IRS offset distribution to state arrears before non-assistance arrears

- §1.3.2 - Clarified language – changed “OCCS shall not issue a determination of non-cooperation” to “OCSS shall not refer a case to DHS for a determination of non-cooperation”
- §1.4.2 - Removed language concerning in person request for application. The application for service is available by mail or by downloading from the Office of Child Support website.
- §1.4.3 - Clarified initial review of application and services needed
 - Changed “appointment” to “telephonic appointment”
- §1.4.5 - Clarified appointments to include telephonic appointments to custodial parent responsibilities
- §1.8 - Added “The non-custodial parent may request assistance from OCSS to suspend an order based upon emancipation.”
- §1.13 - Inclusion of new Rhode Island law citation for the Uniform Parentage Act, effective January 1, 2021
 - §1.13.1 - Amended language and responsibility for “parent of a child born of a marriage”
 - §1.13.3 - Added reference to Federal Regulation
 - Included “same gender marriage”
 - §1.13.4 - Removed language concerning allegations of the child’s father
 - §1.13.5 - Clarified agencies ability to establish paternity
 - Added reference and citation to R.I. Gen. Law §§15-8.1-401, 15-8.1-403, and 15-8.1-206
 - §1.13.8 - Added reference to the Uniform Parentage Act
 - §1.13.13 - Change citation from R.I. Gen. Law 15-8-11 to Article 6 of the Uniform Parentage Act
 - Added “DNA” to clarify and remove “blood or tissue typing”
 - Added specific citation language and removed clarifying language
 - Change “high probability of paternity” to “ninety-nine percent (99%)”
 - §1.13.17 - Clarified language when child’s mother is not the custodial parent
 - Clarified process for same gender parents

- Clarified process for Loco Parentis cases
- Document name change from “Voluntary Affidavit of Paternity” to “Acknowledgment of Parentage”
- Clarified “There is no jury trial available for an action to determine parentage.”
- Clarified “hearing” to “hearing before the Judge or Magistrate”
- Added court requirement for parents: “The parties must disclose their social security numbers to the Court.”

- §1.13.18 - Added reference to the Uniform Parentage Act
- Removed the agency and the court procedures
 - Clarified requirements of the Hospital Program concerning the voluntary acknowledgment of parentage to both parents, whether same gender and whether unmarried or married.
 - Clarified the meaning of the Acknowledgement of Parentage
 - Clarified the action to rescind the Acknowledgement of Parentage

- §1.15.2 - Clarified adjudication of parentage when there is “failure to answer the complaint, admissions of parentage, and addresses when the alleged genetic parent declines to submit to testing”

- §1.16 - Clarified and updated the Voluntary Acknowledgement of Parentage Program

E. Changes and corrections have been made to formatting, punctuation, and citations, as needed, throughout this regulation.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE

EFFECTIVENESS OF THE RULE: None

TESTIMONY AND COMMENTS: The comment period ended on November 29, 2020. No comments were received or submitted online.

CHANGE TO TEXT OF THE RULE: No changes have been made between the text of the rule as proposed and the final rule.

REGULATORY ANALYSIS: None. Non-Applicable