



# NPRM – Parentage Establishment in the Child Support Program: Comments due Nov. 27, 2023



## AT-23-11

**Publication Date:** September 26, 2023 **Current as of:** September 26, 2023

## ACTION TRANSMITTAL

**AT-23-11**

**DATE:** September 26, 2023

**TO:** State and Tribal IV-D Agencies

**SUBJECT:** NPRM - Parentage Establishment in the Child Support Services Program: Comments due Nov. 27, 2023

**ATTACHMENT:** [NPRM published in Federal Register Sept. 26, 2023](#) (PDF)

The Notice of Proposed Rulemaking (NPRM) proposes to define “parentage” to mean the establishment of the legal parent-child relationship in accordance with the laws of the state or tribe. The NPRM also proposes to replace the gender-specific term “paternity” with the gender-neutral term “parentage” throughout Title 45 Chapter III of the Code of Federal Regulations, to be inclusive of all family structures served by the child support program.

These proposed changes to Chapter III of the child support regulations recognize developments in state law regarding parentage establishment, including state laws allowing for establishment of parentage for children with same-sex parents. The proposed rulemaking provides states and tribes the option to expand their parentage establishment laws and procedures to include establishment of parentage for children of same-sex parents, and it reinforces that such services be eligible for Title IV-D matching funds. The proposed rule also allows states to include same-sex parentage establishments in program performance reports.


This proposed rulemaking does not change program requirements related to paternity establishment in cases involving traditional mother-father families. While Title IV-D requires states and tribes to have laws permitting the establishment of paternity and requiring genetic testing in contested paternity cases, OCSS also recognizes that establishing the parent-child relationship is a matter of state and tribal law, and that Title IV-D does not preclude states and tribes from having parentage establishment laws and procedures for same-sex parent families.

The proposed rule provides needed flexibility to state and tribal child support programs to ensure that all children in their caseloads can receive services to enforce the support obligation of the parent who, under state or tribal law, has a duty to provide support, regardless of the parent’s gender or sexual orientation. The proposed regulation is consistent with the purpose of section 451 of the Social Security Act, which authorizes funding to ensure that “assistance in obtaining support will be available under this part [Title IV-D of the Social Security Act] to all children . . . for whom such assistance is requested.”

This proposed regulation aligns with President Biden’s Executive Orders on:

- [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Executive Order No. 13985](#) 
- [Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation, Executive Order No. 13988](#) 
- [Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals, Executive Order 14075](#) 
- [Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Executive Order No. 14091](#) 

These Executive Orders address how the federal government should pursue a comprehensive approach to advancing equity for all, including members of the LGBTQI+ community.

**COMMENTS:** Consideration will be given to relevant comments received by November 27, 2023. Submissions must include the agency name and reference RIN 0970-AC96 or docket number ACF-2023-0006. Comments will be posted without change to [Regulations.gov](#)  , including any personal information provided.

**REFERENCES:** 45 CFR Parts 301 through 310

**INQUIRIES:** ACF OCSS Regional Manager

Tangler Gray

Commissioner

Office of Child Support Services

**Types:**

**Policy & Guidance , Action Transmittals (AT)**

**Topics:**

**Equity , Federal Financial Participation (FFP) , Paternity Establishment**

**Audiences:**

**States**