



Parentage Dispute - Evidence

A parentage dispute is where an alleged parent does not agree that they are the parent of the child/ren named in the application or case. An alleged parent may raise a parentage dispute at any time during the lifecycle of the case and can do so by phone or post.

The purpose of this procedure is to instruct caseworkers how to discuss the preliminary evidence provided by the alleged parent in [Parentage Dispute - Log](#) and discuss this with the receiving parent and then gather additional evidence.

Parentage disputes will be dealt with by caseworkers where the case is located at the time the dispute is raised.

The entire parentage process takes place over the following five procedures. The caseworker will work through them in order:

1. Parentage Dispute - Log
2. **Parentage Dispute - Evidence**
3. Parentage Dispute - DNA Testing
4. Parentage Dispute - Record Outcome
5. Parentage Dispute - Alleged Parent Is Not The Parent

In this procedure the caseworker will complete the following:

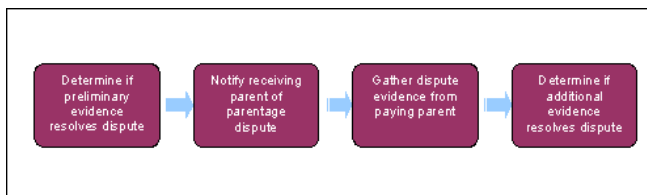
- Determine preliminary evidence provided by both parties
- Notify receiving parent of parentage dispute
- Review additional dispute information from paying parent
- Determine if the additional evidence resolves the dispute or whether DNA testing is appropriate



Parentage ambassadors are now available to provide you with support. You should contact your local ambassador whenever you are dealing with a parentage dispute and they will coach and support you to help you handle any sensitive discussions and progress the case swiftly. Details of who your local parentage ambassadors are can be found on the intranet here: [2012 Scheme parentage ambassadors](#).

If preliminary evidence does not resolve the dispute, additional evidence will be requested from both the receiving parent and alleged parent, and reviewed, to determine if it is possible to resolve the parentage dispute without proceeding to DNA testing. In certain circumstances, if the dispute is raised before a maintenance calculation has been done, parentage can be assumed if they refuse to take a DNA test where appropriate.

For more information refer to Policy, Law and Decision Making Guidance. 



When speaking to clients always use the new terminology - for more information refer to the [Terminology Changes](#).



This procedure uses the terms receiving parent and paying parent.

The receiving parent is the parent who receives or who is expected to receive child maintenance, known as the parent with care (PWC) or person with care (PeWC) on the system and in legislation. The paying parent is the parent who pays or who is expected to pay child maintenance, known as the non resident parent (NRP) on the system and in legislation.

Determine if preliminary evidence resolves dispute

1. Preliminary evidence is evidence provided by the receiving parent when they made the application. Review the **Supporting Statement** provided by the receiving parent, select **Case** contacts and the statement should be recorded against each QC using one of the following:
 - Marriage certificate
 - Child's birth certificate
 - Previous positive DNA test
 - Adoption papers
 - Court orders/maintenance orders

- Parental Orders









For more information on assumption of parentage refer to Policy, Law and Decision Making Guidance 

2. Check the SR to confirm the type of relationship between the child for whom parentage is being disputed, and the parent disputing paternity. Types of relationship include, but are not restricted to:
 - Child was conceived naturally
 - Child was adopted
 - Child was conceived using IVF
3. If the child was not conceived naturally then paper evidence must exist and the receiving parent is obliged to supply it. If evidence has been provided, determine if the alleged parent consented or was named on adoption papers. Where you have requested additional evidence or the paying parent has stated that they will be providing additional evidence allow 14 days for them to provide this.
4. Where the paying parent has indicated that they will send in additional evidence update the **Parentage Dispute** SR with details of what evidence is expected and when it is due. Go to the **Gather Record Evidence** view and create a new entry and populate the field:
 - **Requested Evidence**
 - **Requested Date**
 - **Due Date**

Where the paying parent has no additional evidence go to **step 6**.

5. A work item will be triggered as soon as the evidence is received and you must access the **Parentage Dispute** SR and search for all evidence - type = parentage to check that the paying parent has provided the evidence requested.

Notify receiving parent of parentage

6.  Attempt to contact the receiving parent by telephone using all available contact numbers. Attempts must be made as many times as necessary, at all different times of the day, until you are satisfied that to continue call attempts will delay the progression of the case.
7.  Explain to the receiving parent that we are contacting them because the alleged parent does not agree that they are the parent of the child/ren. Confirm which qualifying child or children (QC/s) the dispute relates to. Explain the dispute process to the receiving parent, how a dispute is resolved and, if applicable, how DNA testing is carried out. Explain that if the Child Maintenance Group (CMG) determines that DNA testing is required, if the receiving parent refuses to attend a DNA test, the case will be closed or adjusted to remove the child. The case will not be closed if there are any other QC/s with the receiving parent for which the alleged parent has accepted parentage. Give the receiving parent the opportunity to ask any questions and explain that they will receive written notification of the dispute as well.
8.  Attempt to gather verbal consent for DNA testing at this stage and record it in the contact **Notes**. This will speed up the process if DNA testing is required later on. Confirmation will be sent of this when it is determined that DNA testing is appropriate.
8.  Ask the receiving parent if they have additional evidence that may resolve the dispute. If the receiving parent:
 - Has additional evidence, record this on the SR by selecting **Y** from the dropdown in the field entitled **PWC has Additional Evidence** and ask the receiving parent to send this documentary evidence to you as soon as possible and no later than 14 days, specify the date it is due and that we need originals or certified copies. For more information on evidence refer to the Policy, Law and Decision Making Guidance. 
 - Doesn't have any additional evidence, and a DNA test would resolve the dispute, explain that they may have to take a DNA test. For information on the dispute process refer to the Policy, Law and Decision Making Guidance. 
9. Update the **Parentage Dispute** SR with details of what evidence is expected and when it is due. Go to the **Gather Record Evidence** view and create a new entry and populate the fields:
 - **Requested evidence**
 - **Requested date**
 - **Due date**
10. A work item will be triggered as soon as the evidence is received and you must access the Parentage Dispute SR and search for all evidence - type = parentage to check that the receiving parent has provided the information requested.
11.  If the dispute has been raised post calculation, explain to the receiving parent that if the result of the dispute is that parentage is disproved, the receiving parent will be asked to refund any monies paid by the paying parent to the receiving parent from the effective date of the dispute for any child/ren for whom parentage was disproved.
12.  Always confirm in writing to the receiving parent when a parentage dispute has been raised. Send letter CMSL1101, to let them know what this means for their case and what happens next. Take one of the following steps:
 - There is enough evidence is available to determine parentage - Go to [Parentage Dispute - Record Outcome](#)
 - You have requested additional dispute evidence to make a decision also set a **Wait** status for 14 days- Go to **step 13**
 - There is no further evidence available and you've been unable to determine parentage - Go to [Parentage Dispute - DNA Testing](#)

Review additional dispute evidence from both parents



The additional dispute evidence is the information you asked the paying parent to provide in **step 13** of [Parentage Dispute - Log](#).

13. Take one of the following next steps after the due date for evidence as expired:

- The alleged parent and/or receiving parent have provided additional evidence, go to **step 14**
- If the alleged parent and/or receiving parent hasn't provided any additional evidence by the due date date:
 - Where alleged parent hasn't provided additional evidence refer to [Parentage Dispute - Record Outcome](#)
 - Where receiving parent hasn't provided additional evidence and paying parent has requested DNA testing and/or sufficient evidence to resolve the dispute, go to [Parentage Dispute – DNA Testing](#)

Determine if additional evidence resolves dispute

14. If you believe that the evidence provided allows for a decision to be made, go to [Parentage Dispute - Record Outcome](#). Where a decision can't be made, the only option will be for DNA testing. For more information refer to [Parentage Dispute – DNA Testing](#).

Procedural Exceptions

NICMS replaces CMG in Northern Ireland

CMSL1101 Important information about your child maintenance case

Sent to a receiving parent where the paying parent has disputed the parentage of a QC.

Under the heading "What this means for you" select the appropriate paragraph from the following three options:

- If the case is post calculation, use paragraph **TM_09253_E** "However, while we are looking at this dispute XXXX still has to pay child maintenance for this child. If they do not pay and they are found to be the parent they will still have to make these payments"
- If the case is pre calculation and there is only one child in the application, use paragraph **TM_09254_E** "Please note we will not work out how much child maintenance should be paid for XXXX straight away"
- If the case is pre calculation and there is more than one child in the application, use paragraph **TM_09255_E** "Note we will not work out how much child maintenance should be paid XXXX straight away. We will wait until we have resolved this parentage dispute"

All other fields in this letter are pre-populated by the system. Once complete, review the letter to ensure the correct information is provided.

[Parentage Dispute - DNA Testing](#)

[Parentage Dispute - Log](#)

[Parentage Dispute - Paying Parent Is Not The Parent](#)

[Parentage Dispute - Record Outcome](#)

[Terminology Changes](#)

[What happens if there isn't evidence that a child involved in the case/application has been adopted by the alleged parent?](#)

They will be given 14 days to provide certified copies of any documentary evidence and then the case will be adjusted (if there are any other qualifying children in the case) or closed.