



September 22, 2021

Child Support Program Manual Transmittal Letter (CSPMTL) No. 174

TO: All Child Support Program Manual Holders
FROM: Matt Damschroder, Director
SUBJECT: JFS 08079 Paternity Brochure and Rule 5101:12-40-99

The Office of Child Support (OCS) has **amended** the following rule:

Rule Number	Rule Title	Effective Date of Rule	Effective Date of Amendment
5101:12-40-99	Chapter 5101:12-40 Forms – Paternity Establishment	11/15/2019	11/01/2021
	<p>This rule contains a compilation of forms with their effective or revised effective date, referenced within various rules contained within 5101:12 of the Administrative Code, but first cited within Chapter 5101:12-40 of the Administrative Code. The rule is being revised to list the new the effective of JFS 08079.</p> <p>This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3125.03 and 3125.25.</p>		

OCS has **revised** the following form:

Form	Form Title	Prior Revised Date	Effective Date
JFS 08079	Paternity and Acknowledgement of Paternity Affidavit Brochure	2/2019	5/2021
	<p>This form is a brochure, which provides important information to parents about the benefits of establishing paternity and how to establish it. The brochure is typically distributed by the child support enforcement agencies (CSEA), local health departments, hospitals or birthing facilities to unmarried parents to provide information regarding the process to establish paternity in Ohio.</p> <p>The brochure is being updated for clarity.</p>		

INSTRUCTIONS:

When the CSPMTL is published, the CSPM will be updated as follows:

- An amended rule will be inserted, and the previous version will be moved to the OAC Archive section of the eManuals,
- A revised form will be posted.

The rules and forms in the CSPM can be accessed at: <http://emanuals.jfs.ohio.gov/>

Forms can also be accessed on the ODJFS Forms Central InnerWeb page at:

<http://www.odjfs.state.oh.us/forms/inner.asp>

or on the ODJFS Forms Central Internet page at:

<http://www.odjfs.state.oh.us/forms/inter.asp>

INSTRUCTIONS for CSEA INTERNAL PROCEDURAL HANDBOOK:

Paragraph (I)(1) of OAC rule 5101:12-1-01 states that, whenever a program change requires modification of local procedures, the CSEA is required to revise its internal procedural handbook and submit the revision to OCS within thirty days of the revision. The CSEA should carefully review the amended rules contained in this CSPMTL to determine whether they require the CSEA to update its internal procedural handbook.

5101:12-40-99 **Chapter 5101:12-40 forms - paternity establishment.**

The forms identified in this rule are referenced within various rules contained within division 5101:12 of the Administrative Code. The effective or revised effective dates of the forms are as follows:

- (A) JFS 01716, "Waiver of Service of Notice and Order to Appear for Genetic Testing" (rev. 10/2019);
- (B) JFS 04070, "Addendum to the Administrative Order to Modify the Birth Record - Child Surname" (05/2014);
- (C) JFS 04070-I, "Instructions for Completing the JFS 04070, Addendum to the Administrative Order to Modify the Birth Record - Child Surname" (rev. 10/2019);
- (D) JFS 07029, "Request for Paternity Determination and Notification to Central Paternity Registry" (rev. 05/2014);
- (E) JFS 07754, "Notice of Request for Paternity Determination and Order to Appear for Genetic Tests" (rev. 05/2014);
- (F) JFS 07771, "CSEA Administrative Order - Non-existence of Father and Child Relationship" (rev. 2/2019);
- (G) JFS 07773, "CSEA Administrative Order-Paternity Finding Inconclusive" (rev. 05/2014);
- (H) JFS 07774, "CSEA Administrative Order - Establishment of Paternity" (rev. 2/2019);
- (I) JFS 07782, "Notice of Administrative Hearing to Establish a Support Order" (rev. 2/2019); and
- (J) JFS 08079, "Paternity and Acknowledgment of Paternity Affidavit Brochure" (rev. ~~2/2019~~5/2021).

Effective: 11/1/2021

Five Year Review (FYR) Dates: 2/11/2024

CERTIFIED ELECTRONICALLY

Certification

09/20/2021

Date

Promulgated Under: 119.03

Statutory Authority: 3125.25

Rule Amplifies: 3125.03, 3125.25

Prior Effective Dates: 05/01/2014, 08/01/2017, 02/11/2019, 11/15/2019

What is paternity establishment?

Paternity means legal fatherhood. Paternity establishment is how a biological father becomes the legal father of his child if he and the mother are not married.

If a child's parents are not married to each other when the child is born, that child does not have a legal father. The parents need to establish paternity.

Why should I establish paternity?

Establishing paternity can provide legal, emotional, social, and economic ties between a parent and child.

How does the biological, or natural, father become the legal father?

For unmarried parents in Ohio, paternity can be established by completing and signing an Acknowledgement of Paternity Affidavit, genetic testing followed by an administrative order of paternity at your local child support enforcement agency (CSEA) or a court order of paternity.

What is the Acknowledgment of Paternity Affidavit?

If unmarried, and both parties agree they are the biological parents of the child, the "Acknowledgment of Paternity Affidavit (JFS 07038)" can be completed. By signing the form, parents are establishing paternity for their child - meaning legally recognized fatherhood. Completing the form is voluntary, it's free, and is the quickest way to establish paternity.



What if we are not sure who the natural father is?

Either parent can ask the CSEA to conduct genetic testing. The Acknowledgement of Paternity Affidavit form should not be used unless both parents are certain that the man listed on the form is the biological father.

Who should NOT complete the affidavit?

- A married mother
- A mother divorced within 300 days of the child's birth
- A mother who is legally separated from her husband

There are other unique circumstances that may prevent an individual from using the affidavit to establish paternity. If you are unsure, please contact your local CSEA.

Where do I get the affidavit?

- At the hospital when your baby is born
- At your local registrar's office (also called Vital Statistics or the Health Department) after your baby is born
- At your local CSEA after your baby is born
- By calling the Ohio Central Paternity Registry (CPR) at 1-888-810-OHIO (6446) and requesting a copy be mailed to you

What do I do with the affidavit to make it official?

Both parents must sign the affidavit in the presence of a public notary and have the affidavit notarized, but they don't have to sign it at the same time. Notaries are provided free of charge at hospitals, local registrars and local CSEAs. Each parent will need a picture ID (such as a driver's license) and Social Security number (if they have one).

Can minors sign the affidavit?

Yes, minors can sign the affidavit.

Can non-U.S. citizens sign the affidavit?

Yes. Regardless of a parent's citizenship, if a child was born in Ohio or one or both parents live in Ohio, paternity can be established. The affidavit is not used to track non-U.S. citizens.

When does the affidavit become final?

The affidavit is final 60 days after the date of the last signature, as long as no one else raises the issue of paternity and the affidavit is properly signed, notarized and filed with the Central Paternity Registry.

What if I change my mind after signing the affidavit?

Either parent can stop the process anytime within 60 days of signing it by contacting their local CSEA. For more information please see the FAQ at www.oh-paternity.com.

If the man signs the affidavit, will he be required to pay child support?

It depends. Both parents have a responsibility to support their child. If the child is receiving certain benefits, the father may be required to pay child support. Contact your local CSEA to discuss your situation and get specific answers.

How are custody and visitation determined?

Paternity establishment and custody are two separate issues. If the mother is unmarried at the time of the child's birth, she automatically has legal custody of the child. Once paternity is established, the father may seek visitation or custody rights through the court system.



Benefits of Establishing Paternity

Identity

- Allows both mother and father to develop an emotional bond with their child and share in the responsibilities and rewards of parenting.
- Father's name will appear on the child's birth certificate gaining legal rights to his child.

Custody and Visitation

- Once paternity is established, the father may seek visitation or custody rights through the court system.

Financial

- Both parents share financial responsibilities.
- The child may have access to benefits such as Social Security, life insurance, military benefits, inheritances, and child support.

Medical

- The child will also have access to their father's health insurance as well as both families' medical histories and lineages.



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Paternity Establishment Program

To learn more about:

Establishing paternity

Frequently asked questions

Important contact information

If the affidavit is right for you

Please visit:

www.oh-paternity.com

or call:

1-888-810-OHIO (6446)



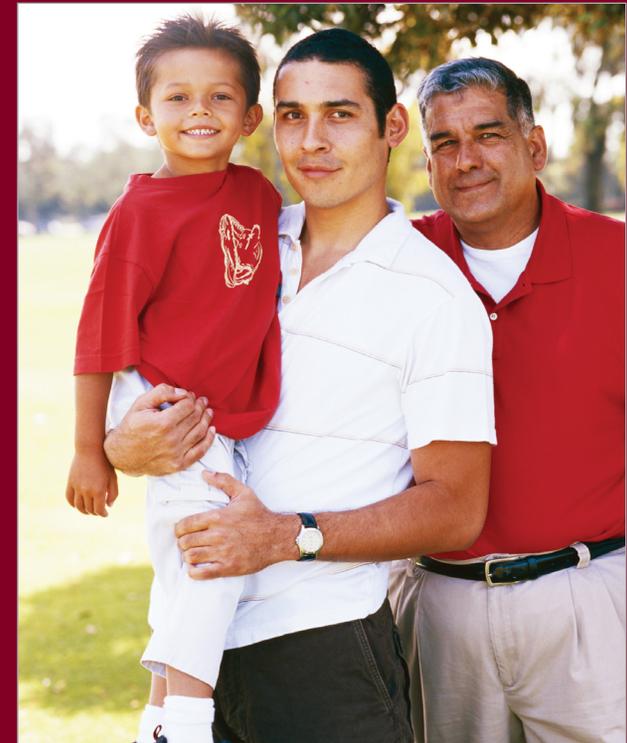
Mike DeWine, Governor
State of Ohio

Matt Damschroder, Director
Ohio Department of Job and Family Services

Office of Child Support

JFS 08079 (Rev. 5/2021)

This institution is an equal opportunity provider and employer.



**“What a
difference a
Dad makes!”**

***Information about the
Paternity Establishment Program
and the Acknowledgment of
Paternity Affidavit.***