



April 11, 2023

Child Support Program Manual Transmittal Letter (CSPMTL) No. 185

TO: All Child Support Program Manual Holders
FROM: Matt Damschroder, Director
SUBJECT: OCS Rule Review – Administrative Procedure Rules

These rules were reviewed in accordance with sections 106.03 and 119.04 of the Ohio Revised Code (ORC), which requires the review of all state agency rules within a five-year period.

The Office of Child Support (OCS) has filed the following rules with **no changes**. The effective dates of these rules will remain the same as the existing rules:

Rule Number	Rule Title	Effective Date of Rule
5101:12-30-05	Administrative Subpoenas	02/01/2013
	<p>This rule outlines the process and authority for a child support enforcement agency (CSEA) to issue administrative subpoenas.</p> <p>This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3125.03 and 5101.37.</p>	
5101:12-30-25	Role of the CSEA Administrative Officer	01/01/2012
	<p>This rule describes the role of a CSEA administrative officer and the qualifications thereof.</p> <p>This rule is authorized by ORC sections 3111.53 and 3125.25; and amplifies ORC section 3111.53.</p>	

OCS has **adopted** the following rule:

Adopted Rule	Adopted Rule Title	Effective Date of Adopted Rule
5101:12-30-99	Chapter 5101:12-30 Forms – Administrative Procedure	05/01/2023
	<p>This rule contains a compilation of forms with their effective or revised effective date, referenced within the rules contained within division 5101:12 of the Ohio Administrative Code (OAC), but first cited within Chapter 5101:12-30 of the OAC. The rule was adopted to reference the waiver of service forms - the JFS 01715 and JFS 01716 – that were added to Chapter 5101:12-30 of the OAC.</p> <p>This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3125.03 and 3125.25</p>	

OCS has **amended** the following rules:

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amended Rule
5101:12-30-10	Service of Process	02/01/2018	05/01/2023
<p>This rule describes the statutory steps a CSEA is required to take to ensure service of process is accomplished in accordance with Ohio Rules of Civil Procedure.</p> <p>Changes made to the rule include:</p> <ul style="list-style-type: none"> • Updated the effective dates of several rules of the Rules of Civil Procedure; • Clarified in paragraph (B) that a CSEA must track all actions related to service of process in the Support Enforcement Tracking System (SETS); • Added a caretaker as a required recipient of service of process in paragraph (C); • Made clear in paragraph (C) that commercial carrier mail that is returned to the CSEA as unclaimed must be followed by certified or express mail, or personal service, for both genetic testing and support hearings; • Clarified in paragraph (C) that a copy of the genetic testing order or support hearing notice must be provided to a party when waiving service of process, that service will be deemed as waived once the fact of waiving has been entered into SETS, and that a CSEA may then proceed as if service of process was completed; and • Added a procedure in paragraph (K) for a CSEA to waive service of process in accordance with Rule 4.7 of the Rules of Civil Procedure before attempting service by certified or express mail, commercial carrier mail, or personal service. <p>This rule is authorized by ORC section 3125.25 and amplifies ORC sections 3125.03 and 3125.25.</p>			
5101:12-40-05	Determination of the Existence or Non-Existence of a Father and Child Relationship	02/11/2019	05/01/2023
<p>This rule describes the requirements for a CSEA to determine the existence or non-existence of a father and child relationship. This rule includes terms, definitions, and forms that apply throughout division 5101:12 of the Administrative Code. Changes made to Paragraph (B)(9) include:</p> <ul style="list-style-type: none"> • Described the expanded use of the JFS 01716 form; • Clarified that a caretaker can complete the JFS 01716; and • Updated the OAC chapter reference of the effective or revised effective date of the form. <p>This rule is authorized by ORC sections 3111.35 and 3125.25; and amplifies ORC sections 3103.03, 3103.031, 3111.03, 3111.04, 3111.05, 3111.13, 3111.20, 3111.24, 3111.25, 3111.27, 3111.38, 3111.381, 3111.39, 3111.49, 3111.78, 3111.821, 3111.95, 3119.61, 3125.03, 3125.36 and 3125.99.</p>			

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Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amended Rule
5101:12-40-20.1	Scheduling and Conducting Genetic Tests	11/15/2019	05/01/2023
<p>This rule describes the process the CSEA shall follow when scheduling and conducting genetic tests to determine the existence or non-existence of a father and child relationship. Changes made to the rule include:</p> <ul style="list-style-type: none"> • Clarified in paragraph (C) that caretakers should receive the genetic testing order; • Corrected a typo in paragraph (G); • Updated the OAC chapter reference of the effective date or revised effective date of the JFS 01716 in paragraph (G)(1) and clarified that a copy of the JFS 01716 should be provided to the party when waiving service; and • Instructed a CSEA in paragraph (G)(2) to model an agency-created waiver of service form after the form appended to Rule 4.7 of the Rules of Civil Procedure. <p>This rule is authorized by ORC sections 3111.611 and 3125.25, and amplifies ORC sections 3111.41, 3111.43, 3111.44, 3111.45, 3111.58 and 3125.03.</p>			
5101:12-40-99	Chapter 5101:12-40 Forms – Paternity Establishment	11/01/2021	05/01/2023
<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 paragraph referencing the JFS 01716 was struck from the rule and referenced in an earlier chapter of the OAC.</p> <p>This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3125.03 and 3125.25.</p>			
5101:12-45-05.1	Scheduling the Administrative Support Hearing	02/11/2019	05/01/2023
<p>This rule describes the process when scheduling an administrative support hearing. Changes made to the rule include:</p> <ul style="list-style-type: none"> • Updated the incorporation by reference in paragraph (A) for of the Rules of Civil Procedure; • Clarified in paragraph (D) that the parents can appear before the CSEA in person, telephonically, or virtually; • Corrected the title of the JFS 01715 in paragraph (D)(1) as well as the chapter reference of the effective date or revised effective date of the form, and clarified that a copy of the JFS 01715 should be provided to the party when waiving service; • Instructed a CSEA in paragraph (D)(2) to model an agency-created waiver of service form after the form appended to Rule 4.7 of the Rules of Civil Procedure; and • Added a procedure in paragraph (E) for a CSEA to dismiss an administrative hearing if the CSEA is prohibited by law from conducting the hearing. <p>This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3111.80 and 3125.03.</p>			

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Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amended Rule
5101:12-45-99	Chapter 5101:12-45 Forms – Support Establishment	01/15/2020	05/01/2023
<p>This rule contains a compilation of forms with their effective or revised effective date, referenced within various rules contained within division 5101:12 of the Administrative Code, but first cited within Chapter 5101:12-45 of the Administrative Code. The paragraph referencing the JFS 01715 was struck from the rule and referenced in an earlier chapter of the OAC, and the new dismissal forms - the JFS 01717 and JFS 01718 - were added to paragraphs (D) and (E).</p> <p>This rule is authorized under ORC section 3125.25 and amplifies ORC sections 3125.03 and 3125.25.</p>			

OCS has **amended** the following forms:

Amended Form Number	Amended Form Title	Prior Effective Date of Form	Revised Effective Date
JFS 01715	Waiver of Service of Notice of Administrative Hearing to Establish a Support Order	01/2006	05/01/2023
<p>This form is used to waive service of process of a notice of an administrative hearing to establish a support order. The form was amended to comply with the waiver form appended to Rule 4.7 of the Rules of Civil Procedure. The amended form provides information to the party about service of process, how waiving service of process will affect their rights, and the actions a CSEA will take if service is not waived. The amended form includes two copies of a waiver of service: one for the party to return to the CSEA, and one for the party to maintain for their records.</p>			
JFS 01716	Waiver of Service of Notice and Order to Appear for Genetic Testing	10/2019	05/01/2023
<p>This form is used to waive service of process of a notice and order to appear for genetic testing. The form was amended to comply with the waiver form appended to Rule 4.7 of the Rules of Civil Procedure. The amended form provides information to the party about service of process, how waiving service of process will affect their rights, and the actions a CSEA will take if service is not waived. The amended form includes two copies of a waiver of service: one for the party to return to the CSEA, and one for the party to maintain for their records.</p>			

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OCS has **adopted** the following forms:

Adopted Form Number	Adopted Form Title	Effective Date of Adopted Form
JFS 01717	Dismissal of Request to Establish a Support Order	05/01/2023
	This form is used to dismiss a request to establish a support order when a CSEA is prohibited by law from conducting an administrative hearing to establish a support order, and the CSEA has not already scheduled the administrative hearing.	
JFS 01718	Dismissal of Administrative Hearing to Establish a Support Order	05/01/2023
	This form is used to dismiss an administrative hearing to establish a support order that has already been scheduled when the CSEA is prohibited by law from conducting the administrative hearing.	

INSTRUCTIONS:

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

- A no change rule will continue with the same effective date,
- An amended rule will be inserted, and the previous version will be moved to the OAC Archive section of the eManuals,
- An amended form will replace the current posted form

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:

<https://innerapp.odjfs.state.oh.us/forms/>

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.

5101:12-30-05 **Administrative subpoenas.**

(A) Pursuant to section 5101.37 of the Revised Code:

- (1) The office of child support (OCS) in the Ohio department of job and family services and each child support enforcement agency (CSEA) may make any investigations that are necessary in the performance of their duties and, to that end, they shall have the same power as a judge of a county court to administer oaths and to enforce the attendance and testimony of witnesses and the production of books and papers;
- (2) OCS and the CSEA shall keep a record of their investigations. The record may include the time, place, charges or subject, witnesses summoned and examined, and its conclusions;
- (3) The issuance of an administrative subpoena by OCS or a CSEA to enforce attendance and testimony of witnesses and the production of books or papers at a hearing is discretionary and the department or agency is not required to pay the fees of witnesses for attendance and travel. The fees of witnesses for attendance and travel shall be the same as in the court of common pleas; and
- (4) OCS or the CSEA may request any judge of any division of the court of common pleas to compel, by a judgment for contempt or otherwise, the attendance of witnesses, the production of books or papers, and the giving of testimony.

(B) Pursuant to section 3123.43 of the Revised Code, an obligor who fails, after receiving appropriate notice, to comply with provisions of an administrative subpoena may be subject to a license suspension as specified in sections 3123.41 to 3123.63 of the Revised Code.

Five Year Review (FYR) Dates: 1/30/2023 and 01/30/2028

CERTIFIED ELECTRONICALLY

Certification

01/30/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3125.25
Rule Amplifies: 3125.03, 5101.37
Prior Effective Dates: 05/01/1992, 01/01/1998, 04/18/2003, 09/01/2005,
07/15/2007, 02/01/2013

5101:12-30-25

Role of the CSEA administrative officer.

- (A) The child support enforcement agency (CSEA) shall employ an administrative officer, contract with another entity to provide an administrative officer, or contract with an individual to serve as an administrative officer. If the CSEA contracts with another entity or individual to serve as an administrative officer, the CSEA must comply with the contract requirements as set forth in rules 5101:12-1-80 to 5101:12-1-80.4 of the Administrative Code.
- (B) An administrative officer shall:
- (1) Be a notary public;
 - (2) Possess the ability to research, analyze, and apply:
 - (a) Federal and state laws and regulations relating to the establishment of paternity and the establishment, modification, and enforcement of support orders; and
 - (b) Administrative practices and procedures;
 - (3) Have no personal or professional interest that conflicts with the ability to be objective; and
 - (4) Be able to conduct hearings that are subject to judicial review.
- (C) The administrative officer's duties shall include, but are not limited to:
- (1) Issuing administrative orders requiring a child, mother, and alleged father to submit to genetic testing;
 - (2) Issuing administrative orders determining the existence or nonexistence of a father and child relationship; and
 - (3) Conducting administrative hearings and issuing administrative orders to establish the payment of child support and the method of providing for the child's medical support.
- (D) The administrative officer may schedule and conduct conferences and administrative hearings related to issues of paternity and the payment of support including the administrative adjustment hearing, mistake of fact hearings, and other duties as determined by the CSEA director or administrator.
- (E) When an administrative hearing is held, the administrative officer shall compile a record of the proceedings that includes copies of all documents and exhibits submitted. The

record shall be maintained at the CSEA in a manner that would make it acceptable and accessible for court use.

Five Year Review (FYR) Dates: 1/30/2023 and 01/30/2028

CERTIFIED ELECTRONICALLY

Certification

01/30/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3111.53, 3125.25
Rule Amplifies: 3111.53
Prior Effective Dates: 07/15/1992, 06/12/1996, 01/01/1998, 12/01/2001,
10/02/2006, 01/01/2012

5101:12-30-99

Chapter 5101:12-30 forms - administrative procedure.

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 01715, "Waiver of Service of Notice of Administrative Hearing to Establish a Support Order" (rev. 05/2023); and

(B) JFS 01716, "Waiver of Service of Notice and Order to Appear for Genetic Testing" (rev. 05/2023).

Effective: 5/1/2023
Five Year Review (FYR) Dates: 05/01/2028

CERTIFIED ELECTRONICALLY

Certification

04/07/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3125.25
Rule Amplifies: 3125.03, 3125.25

5101:12-30-10 **Service of process.**

(A) Service of process is the formal, legal notice to a party involved in an action brought by the child support enforcement agency (CSEA) that explains the purpose of the action and the party's legal rights and obligations. Receipt of notice by a party permits the CSEA, in some circumstances, to proceed with the intended action and to impose obligations on the party even if that party fails to exercise his or her right to appear or object. Therefore, it is critical that the CSEA comply with laws and regulations governing service of process. This rule is intended to provide guidance regarding service of process in administrative actions initiated by the CSEA.

(B) The CSEA will record all actions taken related to service of process within the support enforcement tracking system (SETS).

~~(B)~~(C) Administrative actions to establish paternity or a support order require service of process in accordance with the Ohio Rules of Civil Procedure.

(1) Section 3111.421 of the Revised Code requires that the notice to a mother, ~~and any alleged father, or caretaker of a child~~ regarding an order for genetic testing shall be sent in accordance with the Rules of Civil Procedure that govern service of process, except to the extent that the provisions of the Rules of Civil Procedure are clearly inapplicable and except that references in the provisions of the Rules of Civil Procedure to the court or to the clerk of the court shall be construed as being references to the child support enforcement agency or the administrative officer. In accordance with rules 4 (~~7/1/2008~~7/1/2020) and 4.1 (~~7/1/2016~~7/1/2020) of the Rules of Civil Procedure (www.supremecourt.ohio.gov), service of the genetic testing notice and order shall be made by United States certified or express mail, as evidenced by return receipt signed by any person, or by personal service. As an alternative to service made by the United States certified or express mail, the service may be made by a commercial carrier utilizing any form of delivery requiring a signed receipt.

(a) ~~When~~When the certified, express, or commercial carrier mail is returned to the CSEA because it was ~~unclaimed or~~ refused by the person to be served, or if the person serving process by personal service specifies that service of process has been refused, the CSEA shall issue the genetic testing notice and order by ordinary, first class mail evidenced by a certificate of mailing to the same address to which the certified, express, or commercial carrier mail was sent, or to the same residential address to which personal service was attempted. Service will be deemed complete when the fact of mailing is entered into SETS.

(b) When the certified or express mail is returned to the CSEA because it was unclaimed by the person to be served, the CSEA will issue the

genetic testing notice and order by ordinary, first class mail evidenced by a certificate of mailing to the same address to which the certified or express mail was sent. Service will be deemed complete when the fact of mailing is entered into SETS, provided that the ordinary mail envelope is not returned by the postal authority with an endorsement showing failure of delivery. Service will be deemed incomplete or unsuccessful if the ordinary mail is returned undelivered.

(c) When the commercial carrier mail is returned to the CSEA because it was unclaimed by the person to be served, the CSEA will make service of the genetic testing notice and order by United States certified or express mail, as evidenced by return receipt signed by any person, or by personal service.

~~(b)~~(d) ~~When~~ the certified, express, or commercial carrier mail is returned indicating the addressee is unknown or that the address is invalid, the CSEA may not use ordinary mail service but must make diligent efforts to obtain a valid address for certified, express, or commercial carrier mail service.

~~(e)~~(e) ~~When~~ a party for whom service of process was not completed or was unsuccessful appears for genetic testing, the CSEA shall provide to that party a copy of the genetic testing notice and order for which service of process was not completed or was unsuccessful and require that party to sign a waiver of service of notice and order to appear for genetic testing. A signed waiver indicates the party has given up his or her right to service of process under the Rules of Civil Procedure and is submitting to the authority of the CSEA for purposes of the proposed action. By signing the waiver, the party also acknowledges his or her rights and responsibilities regarding the proposed action. Service of process will be deemed as waived and proof of service of process is not required for the party when the fact of waiving is entered into SETS and a copy of the signed waiver is retained in the case record. The CSEA will provide a copy of the waiver to the party and may then proceed with genetic testing and, if appropriate, the establishment of a support order as if service of process had been successfully completed at the time of signing the waiver.

(2) Section 3111.46 of the Revised Code requires that an order finding paternity or non-paternity based on the results of genetic testing be issued and sent to parties in accordance with the Rules of Civil Procedure. In accordance with rule 5 (~~7/1/2016~~7/1/2018) of the Rules of Civil Procedure, service of the order finding paternity or non-paternity shall be made by ordinary, first class mail to the last known address of the person to be served.

- (3) Section 3111.80 of the Revised Code requires that the notice of the administrative hearing to determine child support and the provision for health care is to be sent in accordance with the Rules of Civil Procedure, except to the extent that the provisions of the Rules of Civil Procedure are clearly inapplicable and except that references in the provisions of the Rules of Civil Procedure to the court or to the clerk of the court shall be construed as being references to the child support enforcement agency or the administrative officer.
- (a) In accordance with section 3111.80 of the Revised Code, if the notice of the administrative hearing to determine child support is attached to the administrative order establishing paternity, service shall be made by ordinary, first class mail to the last known address of the person to be served as allowed by section 3111.46 of the Revised Code.
- (b) In accordance with section 3111.80 of the Revised Code, if the notice of the administrative hearing to determine child support is not attached to an administrative paternity order but is instead issued as a result of a request made under section 3111.29 or 3111.78 of the Revised Code, service ~~shall~~ is to be made by certified, express, or commercial carrier mail, as evidenced by return receipt signed by any person, or by personal service.
- (i) ~~If~~ When the certified, express, or commercial carrier mail is returned to the CSEA because it was ~~unclaimed or~~ refused by the person to be served, or if the person serving process by personal service specifies that service of process has been refused, the CSEA shall issue the notice ~~and order of the administrative hearing to determine child support~~ by ordinary, first class mail evidenced by a certificate of mailing to the same address to which the certified, express, or commercial carrier mail is sent, or to the same residential address to which personal service was attempted. Service will be deemed complete when the fact of mailing is entered into SETS.
- (ii) When the certified or express mail is returned to the CSEA because it was unclaimed by the person to be served, the CSEA will issue the notice of the administrative hearing to determine child support by ordinary, first class mail evidenced by a certificate of mailing to the same address to which the certified or express mail was sent. Service will be deemed complete when the fact of mailing is entered into SETS, provided that the ordinary mail envelope is not returned by the postal authority with an endorsement showing failure of delivery. Service will be deemed incomplete or unsuccessful if the ordinary mail is returned undelivered.

(iii) When the commercial carrier mail is returned to the CSEA because it was unclaimed by the person to be served, the CSEA will make service of the notice of the administrative hearing to determine child support by United States certified or express mail, as evidenced by return receipt signed by any person, or by personal service.

~~(ii)~~(iv) ~~If~~When the certified, express, or commercial carrier mail is returned indicating the addressee is unknown or that the address is invalid, the CSEA may not use ordinary mail service but must make diligent efforts to obtain a valid address for certified mail service.

~~(iii)~~(v) ~~If~~When a party for whom service of process was not completed or was unsuccessful appears for the administrative hearing to determine child support, the CSEA shall provide to that party a copy of the notice of the administrative hearing to determine child support for which service of process was not completed or was unsuccessful and require that party to sign a waiver of service of the notice and order to appear forof the administrative support hearing. A signed waiver indicates the party has given up his or her right to service of process under the Rules of Civil Procedure and is submitting to the authority of the CSEA for purposes of the proposed action. By signing the waiver, the party also acknowledges his or her rights and responsibilities regarding the proposed action. Service of process will be deemed as waived and proof of service of process is not required for the party when the fact of waiving is entered into SETS and a copy of the signed waiver is retained in the case record. The CSEA will provide a copy of the waiver to the party and may then proceed with the establishment of a support order as if service of process had been successfully completed at the time of signing the waiver.

~~(C)~~(D) The CSEA shall maintain evidence of proof of service or, if applicable, the signed waiver of service of notice to appear for genetic testing or administrative support hearing.

~~(D)~~(E) In accordance with rule 4.2 (7/1/2017) of the Rules of Civil Procedure, service may be made upon the following:

- (1) An individual other than a person under sixteen years of age or an incompetent person.
- (2) The individual's guardian or any of the following persons with whom the individual resides if he/she is under sixteen years of age: a parent or his/her

caretaker; or by serving such person if he/she neither has a guardian nor lives or resides with a parent or a caretaker.

- (3) An incompetent person's guardian or an individual of authority of an institution if the incompetent person is institutionalized. Service shall be made upon an incompetent person if he/she has neither a guardian nor is institutionalized.
- (4) An individual confined to a penal institution of the state or of a subdivision of the state, except when the individual is under sixteen years of age. If the individual is under sixteen years of age, the provisions outlined in paragraph ~~(D)~~(E)(2) of this rule are applicable.
- (5) Service of process upon any other entity or individual shall be made in accordance with paragraphs (F) to (O) of rule 4.2 of the Rules of Civil Procedure (7/1/2017).

~~(E)~~(F) Service of process pursuant to rules 4 through 4.6 of the Ohio Rules of Civil Procedure, except service by publication as provided in rule 4.4(A), may be made upon an individual who is a certified participant of the secretary of state address confidentiality program authorized by section 111.42 of the Revised Code, by serving the secretary of state.

~~(F)~~(G) Pursuant to section 3121.23 of the Revised Code, except when a provision of the Revised Code specifically authorizes or requires service by other means, service of any notice on any party, a financial institution, or payor, for purposes of Chapters 3119., 3121., 3123., and 3125. of the Revised Code, shall be made by ordinary first class mail directed to the addressee at the last known address or, in the case of a corporation, at its usual place of doing business. A notice shall be considered to have been served when it is mailed.

~~(G)~~(H) The CSEA shall make diligent efforts for service of process as follows:

- (1) Determine whether the action is for the establishment of paternity or a support order, modification of an existing order, enforcement of the support order;
- (2) Determine the appropriate service of process method under this rule;
- (3) Utilize the most time-efficient means available to serve process; and
- (4) When service is not accomplished initially, it should be attempted periodically;
 - (a) When service has failed but location information exists, the CSEA must document each service attempt; or

(b) When service fails because the noncustodial parent is not at the most current address, the CSEA shall document this in the case file and resubmit the case for location.

~~(H)~~(I) When an action to establish or enforce a support order is dismissed by the court without prejudice, the CSEA shall review the reason for dismissal and determine when it is appropriate to pursue establishment or enforcement in the future. The date, reason of dismissal, and the anticipated date the CSEA will pursue establishment or enforcement of a support order shall be documented in the case record.

~~(J)~~(J) Once service of process is achieved, the time frames specified in rule 5101:12-45-05 of the Administrative Code apply.

(K) In accordance with rule 4.7 (7/1/2022) of the Rules of Civil Procedure, the CSEA may notify a party that an administrative action has been commenced to establish a paternity determination or to establish a child support order, and to request that the party waive service of process.

(1) The CSEA will have a party complete one of the following forms to waive service of process:

(a) A JFS 01716, "Waiver of Service of Notice and Order to Appear for Genetic Testing" (effective or revised effective date as identified in rule 5101:12-30-99 of the Administrative Code) when requesting that service of process be waived for genetic testing;

(b) A JFS 01715, "Waiver of Service of Notice of Administrative Hearing to Establish a Support Order" (effective or revised effective date as identified in rule 5101:12-30-99 of the Administrative Code) when requesting that service of process be waived for an administrative hearing to establish a child support order; or

(c) A waiver of service form created by the CSEA that contains the waiver form appended to rule 4.7 (7/1/2022) of the Rules of Civil Procedure, except to the extent that the provisions of the Rules of Civil Procedure are clearly inapplicable.

(2) When requesting that a party waive service of process to establish a paternity determination or to establish a child support order, the CSEA will issue the following by ordinary, first class mail to the last known address of the party:

(a) Two copies of the waiver of service form that complies with paragraph (K) (1) of this rule;

- (b) One copy of the notice and order to appear for genetic testing; or
- (c) One copy of the notice of the administrative hearing to establish a child support order; and
- (d) A prepaid means of returning a signed copy of the waiver of service form that complies with paragraph (K)(1) of this rule to the CSEA.
- (3) The CSEA will make diligent efforts to obtain a valid address if the ordinary mail envelope for the request to waive service of process is returned by the postal authority with an endorsement showing failure of delivery. The CSEA may attempt to waive service of process again if a valid address is later obtained.
- (4) The CSEA will attempt service of process in accordance with this rule if the party that is requested to waive service of process fails to return a waiver of service form within twenty-eight days after the request is issued.
- (5) When a party signs a waiver of service form that complies with paragraph (K)(1) of this rule, the fact of waiving is entered into SETS, and a copy of the signed waiver is retained in the case record, proof of service of process is not required and the CSEA may proceed with genetic testing or an administrative hearing to establish a support order as if service of process was successfully completed at the time of signing the waiver.
- (6) Service of process that is waived in accordance with this rule will indicate that the party to be served has declined the right to service of process under the Rules of Civil Procedure and is submitting to the authority of the CSEA for purposes of the proposed administrative action. By signing a waiver of service form, the party also acknowledges all rights and responsibilities regarding the proposed action.
- (7) A party that waives service of process in accordance with this rule will maintain the right to make all defenses and objections to the administrative action commenced by the CSEA, except that party declines the right to object to the absence of service of process.

Effective: 5/1/2023

Five Year Review (FYR) Dates: 1/30/2023 and 05/01/2028

CERTIFIED ELECTRONICALLY

Certification

04/07/2023

Date

Promulgated Under: 119.03

Statutory Authority: 3125.25

Rule Amplifies: 3125.03, 3125.25

Prior Effective Dates: 08/01/1990, 07/15/1992, 01/01/1998, 02/08/2002,
09/01/2005, 07/15/2007, 02/01/2013, 02/01/2018

5101:12-40-05 **Determination of the existence or non-existence of a father and child relationship.**

(A) The following terms and definitions apply throughout division 5101:12 of the Administrative Code:

- (1) "Alleged father" means a man who is believed to be or believes himself to be the natural father of a child but a final and enforceable determination of paternity regarding that man and child does not exist.
- (2) "Birth record" has the same meaning as in section 3705.01 of the Revised Code.
- (3) "Central paternity registry" (CPR) is the birth registry maintained by the office of child support (OCS) in the Ohio department of job and family services (ODJFS) in accordance with section 3111.64 of the Revised Code.
- (4) "Determine the existence or non-existence of a father and child relationship" refers to the administrative or judicial process that will determine whether or not a man is the natural father of a child when there is not a final and enforceable determination of paternity.
- (5) "Disestablish paternity" means to attempt to overturn or reverse a final and enforceable determination of paternity.
- (6) A "final and enforceable determination of paternity" exists when:
 - (a) In accordance with section 3111.25 of the Revised Code, the mother and father signed a JFS 07038, "Acknowledgment of Paternity Affidavit" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code) which has been entered into the birth registry, and neither the mother nor the father brought an action under section 3111.27 of the Revised Code within sixty days of the signing to request the JFS 07038 be rescinded;
 - (b) In accordance with section 3111.49 of the Revised Code, a child support enforcement agency (CSEA) issued a JFS 07774, "CSEA Administrative Order Establishment of Paternity" (effective or revised effective date as identified in rule 5101:12-40-99 of the Administrative Code), or JFS 07771, "CSEA Administrative Order Non-existence of Father and Child Relationship" (effective or revised effective date as identified in rule 5101:12-40-99 of the Administrative Code), and neither the mother, alleged father, nor guardian or legal custodian of the child brought an action under sections 3111.01 to 3111.18 of the Revised Code within

fourteen days of the issuance of the administrative order to object to the administrative order;

- (c) A court issued an order determining that the man is the father of the child, or that the child was born as a product of the marriage, and neither party to the order objected to the order;
 - (d) In accordance with section 3111.821 of the Revised Code, an administrative child support order was issued or, in accordance with section 2151.232 of the Revised Code, a court support order was issued and neither party to the order raised the issue of the existence or non-existence of a father and child relationship although paternity was presumed pursuant to division (A)(3) of section 3111.03 of the Revised Code and as described in rule 5101:12-40-10 of the Administrative Code;
 - (e) In accordance with section 3111.95 of the Revised Code, the husband of a married woman consented to artificial insemination; or
 - (f) Another state or country has established a final and enforceable determination of paternity under the laws of that state or country, regardless of whether the determination of paternity was made pursuant to a voluntary acknowledgment of paternity, an administrative proceeding, or a court proceeding. The CSEA shall give full faith and credit to a final and enforceable determination of paternity made by another state or country.
- (7) "Genetic testing" and "genetic tests" mean: tissue or blood tests, including tests that identify the presence or absence of common blood group antigens, the red blood cell antigens, human lymphocyte antigens, serum enzymes, serum proteins, or genetic markers; or deoxyribonucleic acid typing of blood or buccal cell samples. "Genetic test" and "genetic testing" may include the typing and comparison of deoxyribonucleic acid derived from the blood of one individual and buccal cells of another.
- (8) "Integrated perinatal health information system" (IPHIS): IPHIS is an electronic system maintained by the Ohio department of health (ODH) that provides the functionality to process and store data for vital statistics purposes.
- (a) Individuals with access to IPHIS have the responsibility to maintain the confidentiality of and to safeguard all information contained in a person's case record, whether the information is contained on paper, film, computer, or any other electronic medium in accordance with rule 5101:12-1-20 of the Administrative Code.

(b) In accordance with section 3125.99 of the Revised Code, anyone who discloses information to any person or for any purpose not specifically permitted by rule 5101:12-1-20 of the Administrative Code or its supplemental rules is subject to a fine of up to five hundred dollars or a prison term of up to six months or both.

(B) The following forms are referenced throughout division 5101:12 of the Administrative Code:

- (1) JFS 07038, "Acknowledgment of Paternity Affidavit" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code)- A voluntary affidavit that may be signed by the mother of a child and a man alleging himself to be the natural father of the child.
- (2) JFS 04070, "Addendum to the Administrative Order to Modify the Birth Record - Child Surname" (effective or revised effective date as identified in rule 5101:12-40-99 of the Administrative Code) - An addendum that may be signed by the mother of a child and a man alleging himself to be the father indicating an agreement by the parties to change the child's surname, if and only if the alleged father is found to be the natural father. If this agreement is signed by both parties and genetic testing indicates paternity is established it will be incorporated by reference into and become part of the administrative order establishing paternity.
- (3) JFS 07774, "CSEA Administrative Order Establishment of Paternity" (effective or revised effective date as identified in rule 5101:12-40-99 of the Administrative Code) - Order indicating through genetic testing that a father and child relationship exists.
- (4) JFS 07771, "CSEA Administrative Order Non-Existence of Father and Child Relationship" (effective or revised effective date as identified in rule 5101:12-40-99 of the Administrative Code) - Order indicating through genetic testing that a father and child relationship does not exist.
- (5) JFS 07773, "CSEA Administrative Order Paternity Finding Inconclusive" (effective or revised effective date as identified in rule 5101:12-40-99 of the Administrative Code) - Order indicating that a party failed to submit to genetic testing and the results are inconclusive.
- (6) JFS 04070-I, "Instructions for Completing the JFS 04070, Addendum to the Administrative Order to Modify the Birth Record - Child Surname" (effective or revised effective date as identified in rule 5101:12-40-99 of the Administrative Code) - Instructions for parents wishing to complete the JFS

04070 to change their child's surname during the administrative paternity process.

- (7) JFS 07754, "Notice of Request for Paternity Determination and Order to Appear for Genetic Tests" (effective or revised effective date as identified in rule 5101:12-40-99 of the Administrative Code) - Notice issued to the natural mother, each man presumed to be the father of the child, and each man alleged to be the father of the child ordering that the parties submit to genetic testing.
 - (8) JFS 07029, "Request for Paternity Determination and Notification to Central Paternity Registry" (effective or revised effective date as identified in rule 5101:12-40-99 of the Administrative Code) - A request that shall be completed by a party that signed a JFS 07038 requesting the CSEA to make an administrative determination of the existence or non-existence of a father and child relationship. The request must be completed no later than sixty days after the date of the last signature on the JFS 07038.
 - (9) JFS 01716, "Waiver of Service of Notice and Order to Appear for Genetic Testing" (effective or revised effective date as identified in rule ~~5101:12-40-99~~5101:12-30-99 of the Administrative Code) - Waiver to be signed by a presumed father, alleged father, ~~or natural mother,~~ or caretaker of a child prior to proceeding with genetic testing when the party appears for genetic testing but service of process was not obtained, or when a CSEA requests that the party waive service of process in accordance with rule 4.7 (7/1/2022) of the Rules of Civil Procedure (www.supremecourt.ohio.gov).
- (C) In accordance with Chapter 3111. of the Revised Code, the CSEA shall determine the existence or non-existence of a father and child relationship when:
- (1) The child was born out-of-wedlock and:
 - (a) The CSEA receives a referral for a child who receives Ohio works first (OWF), Title IV-E foster care maintenance, or medicaid benefits in the same county as the CSEA; or
 - (b) The CSEA receives a request to determine the existence or non-existence of a father and child relationship, as described in rule 5101:12-40-20 of the Administrative Code, by:
 - (i) The child's mother or her personal representative;
 - (ii) A man alleged or alleging himself to be the father of the child or his personal representative;

- (iii) The child or the child's personal representative; or
 - (iv) The court pursuant to division (D) of section 3111.381 of the Revised Code.
 - (2) There is a presumption of paternity and:
 - (a) The CSEA receives a request to determine the existence or non-existence of a father and child relationship, as described in rule 5101:12-40-20 of the Administrative Code, by:
 - (i) The child's mother or her personal representative;
 - (ii) A man alleged or alleging himself to be the father of the child or his personal representative;
 - (iii) The child or the child's personal representative.
 - (b) Either the mother or the presumed father who are party to a request to establish an administrative support order dispute paternity. The CSEA shall proceed as if a request had been made to determine the existence or non-existence of a father child relationship in accordance with this rule.
- (D) In accordance with section 3111.38 of the Revised Code, the CSEA in the county in which the child or the guardian or legal custodian of the child resides shall determine the existence or non-existence of a father and child relationship when a IV-D application as described in paragraph (A) of rule 5101:12-10-01.1 of the Administrative Code or a IV-D referral as described in paragraph (B) of rule 5101:12-10-01.1 of the Administrative Code has been completed and filed with the CSEA.

In accordance with section 3111.39 of the Revised Code, when more than one CSEA receives a request to determine the existence or non-existence of a father and child relationship concerning the same child that meets the requirements described in this paragraph, the CSEA that receives the request first shall act on the request. When a CSEA that receives a request is not the appropriate CSEA for the filing of the request, the CSEA shall forward the request to the CSEA in which the child or the guardian or legal custodian of the child resides.
- (E) Pursuant to section 3111.381 of the Revised Code, the CSEA shall attempt to determine the existence or non-existence of a father and child relationship through an administrative action and, when the administrative action is unsuccessful, by bringing a court action.

Pursuant to division (E) of section 3111.381 of the Revised Code, if the alleged father of a child is deceased and proceedings for the probate of the estate of the alleged father have been or can be commenced, the court with jurisdiction over the probate proceedings shall retain jurisdiction to determine the existence or non-existence of a father and child relationship between the alleged father and any child without an administrative determination being requested from a CSEA.

(F) Pursuant to section 3111.05 of the Revised Code, an action to determine the existence or non-existence of a father and child relationship may be brought up to and including the child's twenty-third birthday.

(G) Disestablishing paternity.

(1) When the CSEA knows or the CSEA should have known that there is a final and enforceable determination of paternity, the CSEA:

(a) Shall not assist either party in an action to disestablish paternity;

(b) Shall intervene in an action to disestablish paternity in order to defend support collections assigned to ODJFS; and

(c) May intervene in an action to disestablish paternity in order to defend a paternity determination or a support order.

(2) Except as provided in paragraph (C)(3) of rule 5101:12-1-85 of the Administrative Code, ODJFS shall not pay the cost of genetic testing performed under the statewide genetic testing contract when the CSEA knew or should have known that there was a final and enforceable determination of paternity before genetic testing was conducted.

Effective: 5/1/2023

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

CERTIFIED ELECTRONICALLY

Certification

04/07/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3111.35, 3125.25
Rule Amplifies: 3103.03, 3103.031, 3111.03, 3111.04, 3111.05, 3111.13, 3111.20, 3111.24, 3111.25, 3111.27, 3111.38, 3111.381, 3111.39, 3111.49, 3111.78, 3111.821, 3111.95, 3119.61, 3125.03, 3125.36, 3125.99
Prior Effective Dates: 08/01/1982, 08/01/1990, 07/15/1992, 09/01/1993, 07/01/1996, 01/01/1997, 01/01/1998, 07/01/2002, 04/18/2003, 02/01/2005, 12/15/2006, 05/01/2014, 02/11/2019

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)~~ (A) JFS 04070, "Addendum to the Administrative Order to Modify the Birth Record - Child Surname" (05/2014);

~~(C)~~ (B) 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)~~ (C) JFS 07029, "Request for Paternity Determination and Notification to Central Paternity Registry" (rev. 05/2014);

~~(E)~~ (D) JFS 07754, "Notice of Request for Paternity Determination and Order to Appear for Genetic Tests" (rev. 05/2014);

~~(F)~~ (E) JFS 07771, "CSEA Administrative Order - Non-existence of Father and Child Relationship" (rev. 2/2019);

~~(G)~~ (F) JFS 07773, "CSEA Administrative Order-Paternity Finding Inconclusive" (rev. 05/2014);

~~(H)~~ (G) JFS 07774, "CSEA Administrative Order - Establishment of Paternity" (rev. 2/2019);

~~(I)~~ (H) JFS 07782, "Notice of Administrative Hearing to Establish a Support Order" (rev. 2/2019); and

~~(J)~~ (I) JFS 08079, "Paternity and Acknowledgment of Paternity Affidavit Brochure" (rev. 5/2021).

Effective: 5/1/2023

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

CERTIFIED ELECTRONICALLY

Certification

04/07/2023

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,
11/01/2021

5101:12-45-05.1 **Scheduling the administrative support hearing.**

- (A) In accordance with section 3111.80 of the Revised Code, the administrative officer of the child support enforcement agency (CSEA) shall schedule an administrative child support hearing and send the JFS 07782, "Notice of Administrative Hearing to Establish a Support Order" (effective or revised effective date as identified in rule 5101:12-40-99 of the Administrative Code), and the JFS 00593, "Child Support Financial Affidavit" (effective or revised effective date as identified in rule 5101:12-45-99 of the Administrative Code), to the current addresses of the parents of the child in accordance with the Rules of Civil Procedure ~~(as in effect on January 1, 2019)~~ (www.supremecourt.ohio.gov) as outlined in paragraph ~~(B)~~(C)(3) of rule 5101:12-30-10 of the Administrative Code. If a caretaker exists, the CSEA shall send the JFS 07782 to the caretaker.
- (B) The JFS 07782 notifies each parent to provide the CSEA with the information and documents listed on the JFS 00593, no later than the date of the scheduled administrative support hearing, pursuant to section 3111.801 of the Revised Code. When either parent fails to provide the requested information, the CSEA may:
- (1) Request the court of appropriate jurisdiction of the county in which the agency is located to issue an order requiring the parent to provide the information as requested; or
 - (2) Make reasonable assumptions on the information the parent failed to provide and proceed with determining the support as if all requested information had been provided.
- (C) The administrative support hearing shall be scheduled for a day that is at least thirty days after the date the JFS 07782 is issued to each parent of the child. The administrative child support hearing shall be held within sixty days of the latest of:
- (1) The IV-D application for services being submitted to the CSEA;
 - (2) The IV-D referral being received by the CSEA; or
 - (3) The issuance of an order determining the existence of a parent and child relationship.
- (D) When service of process has not been obtained, both parents appear at before the CSEA in person, telephonically, or virtually and request the establishment of an administrative child support order, the parents have all the verification necessary to proceed with the administrative child support hearing, and the administrative officer elects to proceed with the administrative child support hearing, the CSEA shall have the parents complete one of the following:

- (1) A JFS 01715, "~~Waiver of Service of Notice of Order to Appear for Administrative Support Hearing to Establish a Support Order~~" (effective or revised effective date as identified in rule ~~5101:12-45-99~~5101:12-30-99 of the Administrative Code), accompanied by hand delivery or electronic delivery of the JFS 07782 and a copy of the JFS 01715 to the party; or
 - (2) A waiver of service form created by the CSEA that ~~specifies the date and time of the administrative support hearing and contains the following statement: "I have received a copy of the JFS 07782, "Notice of Administrative Hearing to Establish a Support Order," and I voluntarily waive the right to receive the JFS 07782 by certified mail,"~~contains the waiver form appended to rule 4.7 (7/1/2022) of the Rules of Civil Procedure, except to the extent that the provisions of the Rules of Civil Procedure are clearly inapplicable, accompanied by hand delivery or electronic delivery of the JFS 07782 and a copy of the waiver form created by the CSEA to the party.
- (E) When the CSEA is prohibited by law from conducting an administrative support hearing, the CSEA will issue by ordinary, first class mail to the last known addresses of the parties:
- (1) The JFS 01717, "Dismissal of Request to Establish a Support Order" (effective or revised effective date as identified in rule 5101:12-45-99 of the Administrative Code) when an administrative child support hearing has not already been scheduled; or
 - (2) The JFS 01718, "Dismissal of Administrative Hearing to Establish a Support Order" (effective or revised effective date as identified in rule 5101:12-45-99 of the Administrative Code) when an administrative child support hearing has already been scheduled.

Effective: 5/1/2023

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

CERTIFIED ELECTRONICALLY

Certification

04/07/2023

Date

Promulgated Under: 119.03

Statutory Authority: 3125.25

Rule Amplifies: 3111.80, 3125.03

Prior Effective Dates: 07/15/1992, 03/31/1993, 06/21/1996, 01/01/1998,
12/01/2001, 07/15/2002, 09/01/2005, 04/01/2009,
07/01/2014, 02/11/2019

5101:12-45-99

Chapter 5101:12-45 forms - support 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 00593, "Child Support Financial Affidavit" (rev. 3/2019);

~~(B) JFS 01715, "Waiver of Service of Process for Administrative Child Support Hearing" (rev. 1/2006);~~

~~(C)~~(B) JFS 07719, "Administrative Order for Child Support and Medical Support" (rev. 10/2019);

~~(D)~~(C) JFS 07724, "Administrative Adjustment Recommendation" (rev. 10/2019);

(D) JFS 01717, "Dismissal of Request to Establish a Support Order" (05/2023); and

(E) JFS 01718, "Dismissal of Administrative Hearing to Establish a Support Order" (05/2023).

Effective: 5/1/2023

Five Year Review (FYR) Dates: 2/17/2024

CERTIFIED ELECTRONICALLY

Certification

04/07/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3125.25
Rule Amplifies: 3125.03, 3125.25
Prior Effective Dates: 07/01/2014, 02/17/2019, 01/15/2020

<County_Name> County CSEA
<CSEA_Address_1>
<CSEA_Address_2>
<CSEA_City>, <CSEA_State> <CSEA_ZIP>

Telephone Number: <CSEA_Phone>
Toll Free Number: <CSEA_800_No>
Fax Number: <CSEA_Fax_No>
CSEA Website: <County_Website>

Ohio Department of Job and Family Services
**WAIVER OF SERVICE OF NOTICE OF ADMINISTRATIVE HEARING
TO ESTABLISH A SUPPORT ORDER**

Issuance Date: <Issuance_Date>

Case(s): <CASE_NUMBER(S)>

Parent A: <PARENTA_NAMEF> <PARENTA_MI> <PARENTA_NAMEL>

Parent B: <PARENTB_NAMEF> <PARENTB_MI> <PARENTB_NAMEL>

Caretaker (if applicable): <CTR_NAMEF> <CTR_MI> <CTR_NAMEL>

WHY ARE YOU RECEIVING THIS NOTICE?

The <County_Name> County Child Support Enforcement Agency (CSEA) has started an administrative action to establish a child support order for the child(ren) named below pursuant to sections 3111.29, 3111.78, or 3111.80 of the Ohio Revised Code.

<u>Child(ren)</u>	<u>Date(s) of Birth</u>
<CHILD1_NAMEF> <CHILD1_MI> <CHILD1_NAMEL>	<Child1_DOB>
<CHILD2_NAMEF> <CHILD2_MI> <CHILD2_NAMEL>	<Child2_DOB>
<CHILD3_NAMEF> <CHILD3_MI> <CHILD3_NAMEL>	<Child3_DOB>
<CHILD4_NAMEF> <CHILD4_MI> <CHILD4_NAMEL>	<Child4_DOB>
<CHILD5_NAMEF> <CHILD5_MI> <CHILD5_NAMEL>	<Child5_DOB>

An administrative hearing to establish a child support order has been scheduled for <Month> <Day>, <Year> at <Time> <PM or AM> before the <County_Name> County CSEA located at the address noted above.

The CSEA is requesting that you waive service of process of this administrative action to process your case more quickly and accurately.

WHAT IS SERVICE OF PROCESS?

Service of process refers to the formal and legal means by which the CSEA must notify you of an administrative action that requires your cooperation.

Rule 5101:12-30-10 of the Ohio Administrative Code requires a CSEA to send you a notice of the administrative hearing to establish a support order by one of the following methods:

- Certified or express mail;
- Commercial carrier mail (UPS, FedEx, etc.); or
- Professional process server.

The CSEA can avoid performing service of process if you agree to waive your right to have the notice of the administrative hearing to establish a support order served upon you by one of the methods mentioned above. Please continue reading to learn how waiving your right to service of process will affect you and your rights.

HOW DO YOU WAIVE SERVICE OF PROCESS?

Enclosed with this notice you will find:

- A copy of the notice of the administrative hearing to establish a support order (the JFS 07782, "Notice of Administrative Hearing to Establish a Support Order" form);
- Two copies of the waiver of service form; and
- A return envelope with prepaid postage.

To waive service of process, simply sign and date one copy of the waiver of service form and return it to the <County_Name> County CSEA **within twenty-eight (28) days of the date that this notice was issued**. You may return the signed form using the envelope enclosed with this notice – no postage required. Maintain all other documents for your personal records.

This notice was issued to you on: <Issuance_Date>

WHAT DOES IT MEAN TO WAIVE SERVICE OF PROCESS?

By waiving your rights to service of process, you are:

- Waiving your right to receive the notice of the administrative hearing by formal means; and
- Declining your right to object to the absence of service of process.

By waiving your rights to service of process, you are NOT:

- Acknowledging or admitting to paternity of the child(ren) mentioned on the first page of this notice; or
- Losing your right to make any defenses or objections that are unrelated to service of process.

WHAT HAPPENS IF YOU DO NOT WAIVE SERVICE OF PROCESS?

If you do not waive service of process the CSEA will arrange to have the notice of the administrative hearing to establish a support order served upon you by formal means.

WHAT HAPPENS AFTER YOU RETURN THE SIGNED WAIVER OF SERVICE FORM?

If you return the signed waiver of service form, the CSEA will proceed as if you had been formally served with the notice of the administrative hearing to establish a support order, but no such notice will be served upon you.

You will need to appear before the CSEA on your scheduled hearing date to meet with an administrative officer and determine the amount of support each parent is required to pay for the maintenance of the child(ren).

It is important that you provide the CSEA with all the financial information needed to accurately determine the amount of support each parent is to pay. Pursuant to section 3119.72 of the Ohio Revised Code, the CSEA may make reasonable assumptions about any information you fail to provide for the administrative hearing and may proceed with the determination of support as if all requested information was provided.

Please contact the <County_Name> County CSEA at <CSEA_Phone> if you have any questions.

<County_Name> County CSEA
<CSEA_Address_1>
<CSEA_Address_2>
<CSEA_City>, <CSEA_State> <CSEA_ZIP>

Telephone Number: <CSEA_Phone>
Toll Free Number: <CSEA_800_No>
Fax Number: <CSEA_Fax_No>
CSEA Website: <County_Website>

Ohio Department of Job and Family Services
**WAIVER OF SERVICE OF NOTICE OF ADMINISTRATIVE HEARING
TO ESTABLISH A SUPPORT ORDER**

Print Date: <Issuance_Date>

Case(s): <CASE_NUMBER(S)>

Parent A: <PARENTA_NAMEF> <PARENTA_MI> <PARENTA_NAMEL>

Parent B: <PARENTB_NAMEF> <PARENTB_MI> <PARENTB_NAMEL>

Caretaker (if applicable): <CTR_NAMEF> <CTR_MI> <CTR_NAMEL>

I understand that the <County_Name> County Child Support Enforcement Agency (CSEA) has started an administrative action to establish a child support order for the child(ren) named below pursuant to sections 3111.29, 3111.78, or 3111.80 of the Ohio Revised Code.

<u>Child(ren)</u>	<u>Date(s) of Birth</u>
<CHILD1_NAMEF> <CHILD1_MI> <CHILD1_NAMEL>	<Child1_DOB>
<CHILD2_NAMEF> <CHILD2_MI> <CHILD2_NAMEL>	<Child2_DOB>
<CHILD3_NAMEF> <CHILD3_MI> <CHILD3_NAMEL>	<Child3_DOB>
<CHILD4_NAMEF> <CHILD4_MI> <CHILD4_NAMEL>	<Child4_DOB>
<CHILD5_NAMEF> <CHILD5_MI> <CHILD5_NAMEL>	<Child5_DOB>

I understand that the administrative hearing to establish a child support order is scheduled for <Month> <Day>, <Year> at <Time> <PM or AM> before the <County_Name> County CSEA located at the address noted above.

I have received a copy of the JFS 07782, "Notice of Administrative Hearing to Establish a Support Order" along with two copies of this waiver of service form, and I voluntarily waive the right to receive the JFS 07782 by formal service. I understand that I keep all defenses and objections to the administrative action started by the CSEA, but I waive any objections to the absence of service.

I understand that pursuant to section 3119.72 of the Ohio Revised Code, the CSEA may make reasonable assumptions about any information I fail to provide for the administrative hearing and may proceed with the determination of support as if all requested information was provided. I further understand that both parents are responsible for the support and maintenance of the child(ren).

Printed Name

Phone Number

Street Address

City, State, ZIP Code

Signature

Date of Signature

**Maintain one copy of the waiver of service for your personal records.
Return one signed and dated copy of the waiver of service to the CSEA.**

(This Page Intentionally Left Blank)

<County_Name> County CSEA
<CSEA_Address_1>
<CSEA_Address_2>
<CSEA_City>, <CSEA_State> <CSEA_ZIP>

Telephone Number: <CSEA_Phone>
Toll Free Number: <CSEA_800_No>
Fax Number: <CSEA_Fax_No>
CSEA Website: <County_Website>

Ohio Department of Job and Family Services
**WAIVER OF SERVICE OF NOTICE OF ADMINISTRATIVE HEARING
TO ESTABLISH A SUPPORT ORDER**

Print Date: <Issuance_Date> Case(s): <CASE_NUMBER(S)>

Parent A: <PARENTA_NAMEF> <PARENTA_MI> <PARENTA_NAMEL>

Parent B: <PARENTB_NAMEF> <PARENTB_MI> <PARENTB_NAMEL>

Caretaker (if applicable): <CTR_NAMEF> <CTR_MI> <CTR_NAMEL>

I understand that the <County_Name> County Child Support Enforcement Agency (CSEA) has started an administrative action to establish a child support order for the child(ren) named below pursuant to sections 3111.29, 3111.78, or 3111.80 of the Ohio Revised Code.

<u>Child(ren)</u>	<u>Date(s) of Birth</u>
<CHILD1_NAMEF> <CHILD1_MI> <CHILD1_NAMEL>	<Child1_DOB>
<CHILD2_NAMEF> <CHILD2_MI> <CHILD2_NAMEL>	<Child2_DOB>
<CHILD3_NAMEF> <CHILD3_MI> <CHILD3_NAMEL>	<Child3_DOB>
<CHILD4_NAMEF> <CHILD4_MI> <CHILD4_NAMEL>	<Child4_DOB>
<CHILD5_NAMEF> <CHILD5_MI> <CHILD5_NAMEL>	<Child5_DOB>

I understand that the administrative hearing to establish a child support order is scheduled for <Month> <Day>, <Year> at <Time> <PM or AM> before the <County_Name> County CSEA located at the address noted above.

I have received a copy of the JFS 07782, "Notice of Administrative Hearing to Establish a Support Order" along with two copies of this waiver of service form, and I voluntarily waive the right to receive the JFS 07782 by formal service. I understand that I keep all defenses and objections to the administrative action started by the CSEA, but I waive any objections to the absence of service.

I understand that pursuant to section 3119.72 of the Ohio Revised Code, the CSEA may make reasonable assumptions about any information I fail to provide for the administrative hearing and may proceed with the determination of support as if all requested information was provided. I further understand that both parents are responsible for the support and maintenance of the child(ren).

Printed Name

Phone Number

Street Address

City, State, ZIP Code

Signature

Date of Signature

**Maintain one copy of the waiver of service for your personal records.
Return one signed and dated copy of the waiver of service to the CSEA.**

<County Name> County CSEA
<CSEA_Address_1>
<CSEA_Address_2>
<CSEA_City>, <CSEA_State> <CSEA_ZIP>

Telephone Number: <CSEA_Phone>
Toll Free Number: <CSEA_800_No>
Fax Number: <CSEA_Fax_No>
CSEA Website: <County Website>

Ohio Department of Job and Family Services

WAIVER OF SERVICE OF NOTICE AND ORDER TO APPEAR FOR GENETIC TESTING

Issuance Date: <Issuance_Date>

Case(s): <CASE_NUMBER(S)>

Alleged Father: <PPF_NAMEF> <PPF_MI> <PPF_NAMEL>

Mother: <MOTHER_NAMEF> <MOTHER_MI> <MOTHER_NAMEL>

Caretaker (if applicable): <CTR_NAMEF> <CTR_MI> <CTR_NAMEL>

WHY ARE YOU RECEIVING THIS NOTICE?

The <County Name> County Child Support Enforcement Agency (CSEA) has started an administrative action to determine the existence of a father and child relationship between the child(ren) named below and the alleged father, and genetic tests are being conducted pursuant to section 3111.41 of the Ohio Revised Code to determine paternity.

<u>Child(ren)</u>	<u>Date(s) of Birth</u>
<CHILD1_NAMEF> <CHILD1_MI> <CHILD1_NAMEL>	<Child1_DOB>
<CHILD2_NAMEF> <CHILD2_MI> <CHILD2_NAMEL>	<Child2_DOB>
<CHILD3_NAMEF> <CHILD3_MI> <CHILD3_NAMEL>	<Child3_DOB>
<CHILD4_NAMEF> <CHILD4_MI> <CHILD4_NAMEL>	<Child4_DOB>
<CHILD5_NAMEF> <CHILD5_MI> <CHILD5_NAMEL>	<Child5_DOB>

The genetic testing will occur on <Month> <Day>, <Year> at <Time> <PM or AM> at <NAME & ADDRESS OF COUNTY CSEA OR OFF-SITE TESTING LOCATION>.

The CSEA is requesting that you waive service of process of this administrative action to process your case more quickly and accurately.

WHAT IS SERVICE OF PROCESS?

Service of process refers to the formal and legal means by which the CSEA must notify you of an administrative action that requires your cooperation.

Rule 5101:12-30-10 of the Ohio Administrative Code requires a CSEA to send you an order to appear for genetic testing by one of the following methods:

- Certified or express mail;
- Commercial carrier mail (UPS, FedEx, etc.); or
- Professional process server.

The CSEA can avoid performing service of process if you agree to waive your right to have the order to appear for genetic testing served upon you by one of the methods mentioned above. Please continue reading to learn how waiving your right to service of process will affect you and your rights.

HOW DO YOU WAIVE SERVICE OF PROCESS?

Enclosed with this notice you will find:

- A copy of the order to appear for genetic testing (the JFS 07754, "Notice of Request for Paternity Determination and Order to Appear for Genetic Tests" form);
- Two copies of the waiver of service form; and
- A return envelope with prepaid postage.

To waive service of process, simply sign and date one copy of the waiver of service form and return it to the <County Name> County CSEA **within twenty-eight (28) days of the date that this notice was issued**. You may return the signed form using the envelope enclosed with this notice – no postage required. Maintain all other documents for your personal records.

This notice was issued to you on: <Issuance_Date>

WHAT DOES IT MEAN TO WAIVE SERVICE OF PROCESS?

By waiving your rights to service of process, you are:

- Waiving your right to receive the order to appear for genetic testing by formal means; and
- Declining your right to object to the absence of service of process.

By waiving your rights to service of process, you are NOT:

- Acknowledging or admitting to paternity of the child(ren) mentioned on the first page of this notice; or
- Losing your right to make any defenses or objections that are unrelated to service of process.

WHAT HAPPENS IF YOU DO NOT WAIVE SERVICE OF PROCESS?

If you do not waive service of process the CSEA will arrange to have the order to appear for genetic testing served upon you by formal means. The CSEA may refer your case to court for further processing if you do not appear for genetic testing after the CSEA has made formal service upon you.

WHAT HAPPENS AFTER YOU RETURN THE SIGNED WAIVER OF SERVICE FORM?

If you return the signed waiver of service form, the CSEA will proceed as if you had been formally served with the order to appear for genetic testing, but no such order will be served upon you.

You will need to appear at the CSEA or the designated testing facility on your scheduled testing date to submit a genetic testing sample. If the results of the genetic tests show a probability of 99% or greater that the alleged father is the natural father of the child, the CSEA will issue an administrative order stating that the alleged father is the natural father. The CSEA will then schedule a hearing to determine the amount of support each parent is required to pay for the maintenance of the child(ren).

Please contact the <County Name> County CSEA at <CSEA_Phone> if you have any questions.

<County Name> County CSEA
<CSEA_Address_1>
<CSEA_Address_2>
<CSEA_City>, <CSEA_State> <CSEA_ZIP>

Telephone Number: <CSEA_Phone>
Toll Free Number: <CSEA_800_No>
Fax Number: <CSEA_Fax_No>
CSEA Website: <County_Website>

Ohio Department of Job and Family Services

WAIVER OF SERVICE OF NOTICE AND ORDER TO APPEAR FOR GENETIC TESTING

Print Date: <Issuance_Date>

Case(s): <CASE_NUMBER(S)>

Alleged Father: <PPF_NAMEF> <PPF_MI> <PPF_NAMEL>

Mother: <MOTHER_NAMEF> <MOTHER_MI> <MOTHER_NAMEL>

Caretaker (if applicable): <CTR_NAMEF> <CTR_MI> <CTR_NAMEL>

I understand that the <County Name> County Child Support Enforcement Agency (CSEA) has started an administrative action to determine the existence of a father and child relationship between the child(ren) named below and the alleged father, and genetic tests are being conducted pursuant to section 3111.41 of the Ohio Revised Code to determine paternity.

<u>Child(ren)</u>	<u>Date(s) of Birth</u>
<CHILD1_NAMEF> <CHILD1_MI> <CHILD1_NAMEL>	<Child1_DOB>
<CHILD2_NAMEF> <CHILD2_MI> <CHILD2_NAMEL>	<Child2_DOB>
<CHILD3_NAMEF> <CHILD3_MI> <CHILD3_NAMEL>	<Child3_DOB>
<CHILD4_NAMEF> <CHILD4_MI> <CHILD4_NAMEL>	<Child4_DOB>
<CHILD5_NAMEF> <CHILD5_MI> <CHILD5_NAMEL>	<Child5_DOB>

I understand that the genetic testing will occur on <Month> <Day>, <Year> at <Time> <PM or AM> at <NAME & ADDRESS OF COUNTY CSEA OR OFF-SITE TESTING LOCATION>.

I have received a copy of the JFS 07754, "Notice of Request for Paternity Determination and Order to Appear for Genetic Tests" along with two copies of this waiver of service form, and I voluntarily waive the right to receive the JFS 07754 by formal service. I understand that I keep all defenses and objections to the administrative action started by the CSEA, but I waive any objections to the absence of service.

I understand that if the results of the genetic tests show a probability of 99% or greater that the alleged father is the natural father of the child(ren), the CSEA will issue an administrative order stating that the alleged father is the natural father. The CSEA will then schedule a hearing to determine the amount of support each parent is required to pay for the maintenance of the child(ren). I further understand that both parents are responsible for the support and maintenance of the child(ren).

Printed Name

Phone Number

Street Address

City, State, ZIP Code

Signature

Date of Signature

**Maintain one copy of the waiver of service for your personal records.
Return one signed and dated copy of the waiver of service to the CSEA.**

(This Page Intentionally Left Blank)

<County Name> County CSEA
<CSEA_Address_1>
<CSEA_Address_2>
<CSEA_City>, <CSEA_State> <CSEA_ZIP>

Telephone Number: <CSEA_Phone>
Toll Free Number: <CSEA_800_No>
Fax Number: <CSEA_Fax_No>
CSEA Website: <County Website>

Ohio Department of Job and Family Services

WAIVER OF SERVICE OF NOTICE AND ORDER TO APPEAR FOR GENETIC TESTING

Print Date: <Issuance_Date>

Case(s): <CASE_NUMBER(S)>

Alleged Father: <PPF_NAMEF> <PPF_MI> <PPF_NAMEL>

Mother: <MOTHER_NAMEF> <MOTHER_MI> <MOTHER_NAMEL>

Caretaker (if applicable): <CTR_NAMEF> <CTR_MI> <CTR_NAMEL>

I understand that the <County Name> County Child Support Enforcement Agency (CSEA) has started an administrative action to determine the existence of a father and child relationship between the child(ren) named below and the alleged father, and genetic tests are being conducted pursuant to section 3111.41 of the Ohio Revised Code to determine paternity.

<u>Child(ren)</u>	<u>Date(s) of Birth</u>
<CHILD1_NAMEF> <CHILD1_MI> <CHILD1_NAMEL>	<Child1_DOB>
<CHILD2_NAMEF> <CHILD2_MI> <CHILD2_NAMEL>	<Child2_DOB>
<CHILD3_NAMEF> <CHILD3_MI> <CHILD3_NAMEL>	<Child3_DOB>
<CHILD4_NAMEF> <CHILD4_MI> <CHILD4_NAMEL>	<Child4_DOB>
<CHILD5_NAMEF> <CHILD5_MI> <CHILD5_NAMEL>	<Child5_DOB>

I understand that the genetic testing will occur on <Month> <Day>, <Year> at <Time> <PM or AM> at <NAME & ADDRESS OF COUNTY CSEA OR OFF-SITE TESTING LOCATION>.

I have received a copy of the JFS 07754, "Notice of Request for Paternity Determination and Order to Appear for Genetic Tests" along with two copies of this waiver of service form, and I voluntarily waive the right to receive the JFS 07754 by formal service. I understand that I keep all defenses and objections to the administrative action started by the CSEA, but I waive any objections to the absence of service.

I understand that if the results of the genetic tests show a probability of 99% or greater that the alleged father is the natural father of the child(ren), the CSEA will issue an administrative order stating that the alleged father is the natural father. The CSEA will then schedule a hearing to determine the amount of support each parent is required to pay for the maintenance of the child(ren). I further understand that both parents are responsible for the support and maintenance of the child(ren).

Printed Name

Phone Number

Street Address

City, State, ZIP Code

Signature

Date of Signature

**Maintain one copy of the waiver of service for your personal records.
Return one signed and dated copy of the waiver of service to the CSEA.**

<County_Name> County CSEA Telephone Number: <CSEA_Local_Phone>
<CSEA_Address_1> Toll Free Number: <CSEA_800_No>
<CSEA_Address_2> Fax Number: <CSEA_Fax_No>
<CSEA_City>, <CSEA_State> <CSEA_ZIP> CSEA Website: <County_Website>

<Parent/CTR_Full_Name>
<Parent/CTR_Addr1> <Parent/CTR_Apt_No>
<Parent/CTR_Addr2>
<Parent/CTR_City>, <Parent/CTR_State> <Parent/CTR_ZIP>
<Parent/CTR_Cntry>

Case Number(s): <Case_Number(s)>

Date: <Print_Date>

Parent A: <ParentA_NameF> <MI> <ParentA_NameL>
Parent B: <ParentB_NameF> <MI> <ParentB_NameL>
Caretaker (if applicable): <CTR_NAMEF> <CTR_MI> <CTR_NAMEL>

Ohio Department of Job and Family Services
DISMISSAL OF REQUEST TO ESTABLISH A SUPPORT ORDER

The request to establish a support order is dismissed without prejudice for the following reason:

<Name> does not have legal custody of the child(ren) effective <Effective Date>, as necessary in <County_Name> County to establish a support order. Both parents or the child(ren)'s caretaker have the right to submit a new, written request to establish a support order by completing and signing a JFS 07076, "Application for Child Support Services Non-Public Assistance Applicant/Recipient" when legal custody has been obtained or other legal circumstances have changed.

Administrative Officer
<County_Name> County CSEA

CC: Parent A
Parent B
Caretaker (if applicable)
Case Record

<County_Name> County CSEA
<CSEA_Address_1>
<CSEA_Address_2>
<CSEA_City>, <CSEA_State> <CSEA_ZIP>

Telephone Number: <CSEA_Local_Phone>
Toll Free Number: <CSEA_800_No>
Fax Number: <CSEA_Fax_No>
CSEA Website: <County_Website>

<Parent/CTR_Full_Name>
<Parent/CTR_Addr1> <Parent/CTR_Apt_No>
<Parent/CTR_Addr2>
<Parent/CTR_City>, <Parent/CTR_State> <Parent/CTR_ZIP>
<Parent/CTR_Cntry>

Case Number(s): <Case_Number(s)>

Date: <Print_Date>

Parent A: <ParentA_NameF> <MI> <ParentA_NameL>
Parent B: <ParentB_NameF> <MI> <ParentB_NameL>
Caretaker (if applicable): <CTR_NAMEF> <CTR_MI> <CTR_NAMEL>

Ohio Department of Job and Family Services

DISMISSAL OF ADMINISTRATIVE HEARING TO ESTABLISH A SUPPORT ORDER

The administrative hearing to establish a support order scheduled for <Month> <Day>, <Year> at <Time> <AM or PM> before the <County_Name> County CSEA located at <CSEA_Address_1> <CSEA_Address_2>, <CSEA_City>, <CSEA_State> <CSEA_ZIP> is dismissed without prejudice for the following reason:

<Name> does not have legal custody of the child(ren), as necessary under local requirements related to Ohio Revised Code Section 3119.07, to establish a court or administrative child support order. Both parents or the child(ren)'s caretaker have the right to submit a new, written request to establish a support order by completing and signing a JFS 07076, "Application for Child Support Services Non-Public Assistance Applicant/Recipient" when legal custody has been obtained or other legal circumstances have changed.

Administrative Officer
<County_Name> County CSEA

CC: Parent A
Parent B
Caretaker (if applicable)
Case Record