



January 4, 2024

**Child Support Program Manual Transmittal Letter (CSPMTL) No. 192**

**TO:** All Child Support Program Manual Holders  
**FROM:** Matt Damschroder, Director  
**SUBJECT:** Five Year Rule Review - Paternity Rules and Forms

The Office of Child Support (OCS) is conducting a rule review in accordance with section 106.031 of the Revised Code, which requires the review of all state agency rules within a five-year period.

OCS has filed the following rules as **no change**. The effective date of the rules remains the same as the existing rules:

Rule Number	Rule Title	Effective Date
5101:12-1-85	Statewide Genetic Testing Contract	5/01/2014
	<p>This rule describes the statewide genetic testing contract that the Ohio Department of Job and Family Services (ODJFS) may enter into with a laboratory that performs genetic testing.</p> <p>This rule is authorized by ORC section 3125.25, and amplifies ORC sections 3111.45 and 3125.03.</p>	
5101:12-40-01	Distribution of Paternity Acknowledgement Affidavit and Brochure	11/15/2019
	<p>This rule describes that ODJFS shall make the Paternity Acknowledgment Affidavit and the paternity brochure available to entities and any individual that requests such document.</p> <p>This rule is authorized by ORC section 3125.25, and amplifies ORC sections 3111.09, 3111.32, 3111.33 and 3125.03.</p>	
5101:12-40-05	Determination of the Existence or Non-Existence of a Father and Child Relationship	5/01/2023
	<p>This rule describes the requirements for a Child Support Enforcement Agency (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.</p> <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>	
5101:12-40-10	Presumption of Paternity	5/01/2014
	<p>This rule describes when a father is presumed to be the natural father of a child.</p> <p>This rule is authorized by ORC section 3125.25, and amplifies ORC sections 3111.03, 3111.95 and 3125.03.</p>	

Rule Number	Rule Title	Effective Date
5101:12-40-17	Rescinding an Acknowledgment of Paternity	11/15/2019
	<p>This rule describes the administrative process for a CSEA to rescind a JFS 07038, "Acknowledgment of Paternity Affidavit."</p> <p>This rule is authorized by ORC section 3125.25, and amplifies ORC sections 3111.27, 3111.28 and 3125.03.</p>	
5101:12-40-20.1	Scheduling and Conducting Genetic Tests	5/01/2023
	<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.</p> <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>	
5101:12-40-20.2	Agreement to Modify the Child's Surname	11/15/2019
	<p>This rule describes the process the CSEA shall follow when parents want to change a child's surname as part of an administrative order.</p> <p>This rule is authorized by ORC sections 3111.34 and 3125.25, and amplifies ORC sections 3111.30, 3111.52, 3111.58 and 3705.09.</p>	
5101:12-40-20.3	Administrative Paternity Orders	2/11/2019
	<p>This rule describes the requirements for a CSEA to issue an administrative paternity order.</p> <p>This rule is authorized by ORC section 3125.25, and amplifies ORC sections 3111.46, 3111.47, 3111.49, 3111.51 and 3111.54.</p>	
5101:12-40-36	Reimbursement for Cost of Genetic Testing	5/01/2014
	<p>This rule describes when a CSEA may seek reimbursement for the costs of genetic testing.</p> <p>This rule is authorized by ORC section 3125.25, and amplifies ORC sections 3111.09 and 3125.03.</p>	

OCS has **amended** the following rules:

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amendment
5101:12-1-99	Chapter 5101:12-1 forms - Ohio support enforcement program	6/01/2023	01/15/2024
	<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 5101:12-1 of the Administrative Code.</p> <p>Changes to the rule include: updated the effective date of JFS 07038, and removed the JFS 07713 as it is no longer needed.</p> <p>This rule is authorized by ORC section 3125.25, and amplifies sections 3125.03 and 3125.25 of the Revised Code.</p>		

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amendment
5101:12-40-15	<p data-bbox="354 296 1125 327">Acknowledgment of Paternity</p> <p data-bbox="354 338 1484 470">This rule describes the process to sign the JFS 07038, "Acknowledgment of Paternity Affidavit" for a mother of a child and a man alleging himself to be the natural father of the child. The rule is being revised to comply with HB 33 of the 135<sup>th</sup> General Assembly. Changes to this rule include:</p> <ul data-bbox="402 478 1458 674" style="list-style-type: none"> <li data-bbox="402 478 1458 541">• Specified that the acknowledgment may be transmitted electronically to the Central Paternity Registry (CPR), by the hospitals, vital statistics, and the CSEAs,</li> <li data-bbox="402 548 1458 611">• Specified that a CSEA must provide a notary to notarize the paternity affidavit or two witnesses to witness the paternity affidavit, and</li> <li data-bbox="402 617 1458 674">• Deleted paragraph (I), as the provisions are already stated in paragraph (D)(3) of rule 5101:12-40-30 of OAC.</li> </ul> <p data-bbox="354 716 1422 779">This rule is authorized by ORC sections 3111.35 and 3125.25, and amplifies ORC sections 3111.22, 3111.23, 3111.25 and 3125.03</p>	11/15/2019	01/15/2024
5101:12-40-20	<p data-bbox="354 785 1125 848">Administrative Determination of the Existence or Non-Existence of a Father and Child Relationship</p> <p data-bbox="354 856 1484 953">This rule describes the process a CSEA shall follow to administratively determine the existence or non-existence of a father and child relationship. The provisions in paragraph (D) are being removed as section 3111.40 of ORC was rescinded in HB 33 of the 135<sup>th</sup> General Assembly.</p> <p data-bbox="354 989 1414 1052">This rule is authorized by ORC section 3125.25, and amplifies ORC sections 3111.38 and 3125.03.</p>	2/11/2019	01/15/2024
5101:12-40-30	<p data-bbox="354 1058 1125 1089">Central Paternity Registry</p> <p data-bbox="354 1098 1484 1197">This rule describes the requirements that CPR must follow in maintaining a birth registry. The rule is being revised to comply with HB 33 of the 135<sup>th</sup> General Assembly. Changes to this rule include:</p> <ul data-bbox="402 1205 1484 1444" style="list-style-type: none"> <li data-bbox="402 1205 1484 1236">• Removed the paper color requirement for the JFS 07038,</li> <li data-bbox="402 1243 1484 1306">• Specified that the parents' signatures must be properly notarized or witnessed by two adult witnesses,</li> <li data-bbox="402 1312 1484 1344">• Clarified when the JFS 07038 is considered to be completed correctly,</li> <li data-bbox="402 1350 1484 1381">• Clarified procedures for CPR to use upon receipt of a JFS 07038, and</li> <li data-bbox="402 1388 1484 1444">• Paragraph (E) was revised to clarify the process when CPR receives a request to rescind the JFS 07038.</li> </ul> <p data-bbox="354 1480 1430 1545">This rule is authorized by ORC sections 3111.34, 3111.67 and 3125.25, and amplifies ORC sections 3111.22, 3111.23, 3111.24, 3111.27, 3111.64, 3111.65, 3111.66 and 3125.03.</p>	11/15/2019	01/15/2024
5101:12-40-99	<p data-bbox="354 1551 1125 1583">Chapter 5101:12-40 forms - paternity establishment</p> <p data-bbox="354 1591 1484 1724">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 update the effective date of JFS 08079.</p> <p data-bbox="354 1759 1414 1822">This rule is authorized by ORC section 3125.25, and amplifies ORC sections 3125.03 and 3125.25.</p>	5/01/2023	01/15/2024

OCS has **rescinded** the following rule:

Rule Number	Rule Title	Effective date
5101:12-55-30	State Lottery Prize Award Intercept	01/15/2024
<p>This rule describes the process used by a CSEA to issue an intercept directive to the Ohio Lottery Commission (OLC) to transmit an amount from the proceeds of a specified lottery prize award to the Office of Child Support (OCS), when the prize winner is an obligor who is subject to a final and enforceable determination of default.</p> <p>This rule is no longer needed as the manual process to intercept lottery winnings is being removed from ORC section 3123.89 by HB 33 of the 135<sup>th</sup> General Assembly 135.</p>		

OCS has **revised** the following forms:

Form Number	Form Title	Prior Effective Date of Form	Revised Effective Date
JFS 07038	Acknowledgment of Paternity Affidavit	05/2014	10/2023
<p>This form is utilized by the unmarried parents in Ohio when they wish to voluntarily acknowledge paternity and do not wish to go through the administrative process to determine the existence or non-existence of a father and child relationship.</p> <p>The following revisions are being made:</p> <ul style="list-style-type: none"> <li>• Clarified when the paternity affidavit may be rescinded after it has been signed,</li> <li>• Clarified when the paternity affidavit cannot be signed,</li> <li>• Added an option for the parents to sign the affidavit in the presence of two adult witnesses, and</li> <li>• Added optional fields for the parents to provide a telephone number.</li> </ul>			
JFS 08079	Paternity and Acknowledgment of Paternity Affidavit Brochure	05/2021	10/2023
<p>This form is a brochure, which provides important information to unmarried parents about the benefits of establishing paternity and how to establish it. The brochure is typically distributed by the 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 revised to clarify that the parents must sign the affidavit in the presence of a public notary <b>or</b> in the presence of two adult witnesses; and to update the ODJFS logo.</p>			

OCS has **obsoleted** the following forms:

Form Number	Form Title	Prior Effective Date of Form	Effective Date
JFS 07070	Notice to Terminate the State Lottery Prize Award Intercept Directive	8/2017	01/15/2024
	This form is used to notify the Ohio lottery commission to terminate the state lottery prize award intercept directive. The form is no longer needed as the process is now automated.		
JFS 07071	State Lottery Prize Award Intercept Directive	8/2017	01/15/2024
	This form is used to notify the Ohio lottery commission to deduct an amount from the lottery prize award to satisfy all or part of an obligor's child support obligation. The form is no longer needed as the process is now automated.		
JFS 07071-I	Instructions For Completing the JFS 07071	4/2022	01/15/2024
	The form is used to give the CSEA instructions when completing the JFS 07071. The instructions are no longer needed as the process is now automated.		
JFS 07713	Child Welfare Agency Locate-Only Request	4/2018	01/15/2024
	<p>The purpose of this form is to share information with the Title IV-B and Title IV-E agencies about the parents of a child. The Title IV-B or Title IV-E agency will be submitting a request to locate a parent of a child to assist the agency with the placement of a child in foster care or removing a child from foster care to a permanent home. After CSEA completes the locate request, the information is returned to the Title IV-B or Title IV-E agency.</p> <p>This form is being rescinded because the information that was collected on this form is now obtained through an electronic interface.</p>		

## 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,
- A rescinded rule will be moved to the OAC Archive section of the eManuals
- A Revised form will replace the current posted form,
- An Obsolete form will be removed from the CSPM

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

## INSTRUCTIONS for CSEA INTERNAL PROCEDURAL HANDBOOK:

Paragraph (J)(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.

5101:12-1-85

**Statewide genetic testing contract.**

(A) The Ohio department of job and family services (ODJFS) may enter into a contract with a laboratory that performs legally and medically acceptable genetic testing (hereinafter referred to as "contractor") to perform genetic testing in IV-D cases.

ODJFS shall provide a list of laboratories that perform legally and medically acceptable genetic testing upon the request of a court, law enforcement official, child support enforcement agency (CSEA), or a member of the public.

(B) A CSEA may participate in the statewide genetic testing contract (hereinafter referred to as "contract") by contacting the contractor to initiate services. Participation in the contract does not preclude the CSEA from contracting with another laboratory to perform genetic testing.

(C) ODJFS shall pay the cost of genetic testing performed under the contract when the cost of genetic testing for the case is eligible for federal financial participation (FFP) and:

(1) There is not a final and enforceable determination of paternity, as described in paragraph (A)(6) of rule 5101:12-40-05 of the Administrative Code;

(2) A JFS 07038, "Acknowledgment of Paternity Affidavit" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code), was signed by the mother and father and an action was filed to rescind the JFS 07038 within sixty days of the signing of the JFS 07038, in accordance with paragraph (C) of rule 5101:12-40-17 of the Administrative Code; or

(3) There is a final and enforceable determination of paternity and:

(a) An action was brought, pursuant to section 3111.28 of the Revised Code, by a man presumed to be the father of the child who did not sign the JFS 07038, either person who signed the JFS 07038, or a guardian or legal custodian of the child no later than one year after a JFS 07038 becomes final to rescind the JFS 07038 and the CSEA receives a court order to conduct genetic testing;

(b) A court has ordered the CSEA to conduct genetic testing as a result of one of the parties filing a motion under rule 60(B) (7/1/1970) of the Rules of Civil Procedure; or

(c) A person has filed a motion for relief from a determination of paternity or a support order in accordance with section 3119.961 of the Revised Code and:

- (i) The CSEA has intervened in the action in order to defend the original paternity determination or the child support order; or
- (ii) The CSEA receives a court order to conduct genetic testing.

(D) Invoice procedures.

- (1) Each month, the contractor is required to submit an invoice to each CSEA for whom the contractor completed genetic testing or conducted partial testing. "Completed genetic testing" means the contractor issued genetic testing results on a case. "Partial testing" means the contractor could not complete genetic testing for a case because genetic testing samples for all the necessary parties were not received by the laboratory.
  - (2) Within five business days of receipt of the invoice, the CSEA shall review, sign, and mail or electronically transmit a facsimile of the invoice, along with any attachments, to the contractor.
  - (3) When there is a discrepancy on the invoice, the CSEA shall note the discrepancy and any necessary adjustment to the total amount billed on the invoice. A discrepancy exists when:
    - (a) The cost of completed genetic testing or partial testing was included on the invoice on a case that did not meet the requirements described in paragraph (C) of this rule; or
    - (b) Completed genetic testing was approved for payment in a previous invoice.
- A CSEA that fails three times within the contract period to return the invoice to the contractor within five business days of receipt may be removed from participation in the contract for the remainder of the contract period. ODJFS shall notify the CSEA thirty days in advance of such removal.
- (4) The contractor shall submit a final invoice and copies of approved or adjusted invoices and any attachments received from the CSEA to ODJFS.
  - (5) ODJFS shall pay the final invoice amount.
- (E) The CSEA shall be responsible for paying for completed genetic testing or partial testing that was performed at the CSEA's request and did not meet the requirements described in paragraph (C) of this rule.
- (F) When reimbursement is received for genetic testing costs that were paid or will be paid by ODJFS, the CSEA shall ensure that the collection is disbursed to ODJFS. A CSEA

that fails to ensure the proper disbursement of such collection may be removed from participation in the statewide genetic testing contract for the remainder of the contract period. ODJFS shall notify the CSEA thirty days in advance of such removal.

When reimbursement is received for genetic testing costs for which the CSEA paid the local share on or after October 1, 2006, the CSEA may recover the local share. In order to recover the local share the CSEA shall track such collections and report the collections to ODJFS on a monthly basis in the format designated by ODJFS. ODJFS shall make the appropriate financial adjustments.

- (G) When a CSEA has been prohibited from participating in the contract, the CSEA shall secure a local genetic testing contract.



Five Year Review (FYR) Dates: 10/20/2023 and 10/20/2028

CERTIFIED ELECTRONICALLY

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Certification

10/20/2023

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Date

Promulgated Under: 119.03  
Statutory Authority: 3125.25  
Rule Amplifies: 3111.45, 3125.03  
Prior Effective Dates: 08/01/1982, 08/01/1990, 07/15/1992, 06/01/1993,  
07/01/1993 (Emer.), 09/01/1993, 09/27/1993,  
07/01/1995, 01/01/1997, 10/30/1997, 01/01/1998,  
07/01/2002, 04/18/2003, 12/15/2006, 05/01/2014

**5101:12-1-99 Chapter 5101:12-1 forms - Ohio support enforcement program.**

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 01709, "Confidentiality of Information Reference Guide" (11/2011);
- (B) JFS 01728, "Daily Time Sheet for Non-Dedicated Principal Staff" (2/2009);
- (C) JFS 01729, "Monthly Time Sheet Summary for Non-Dedicated Principal Staff" (2/2009);
- (D) JFS 01730, "Dedicated Principal Staff Exception Report" (2/2009);
- (E) JFS 01731, "Monthly Time Summary for Governmental Contractor" (2/2009);
- (F) JFS 01772, "IV-D Contract Cover Letter" (rev. 5/2013);
- (G) JFS 02015, "IV-D Contract Time Study" (rev. 2/2009);
- (H) JFS 02151, "IV-D Contract Evaluation" (rev. 5/2013);
- (I) JFS 02750, "Child Support Enforcement Agency Quarterly Financial Certification" (rev. 6/2020)
- (J) JFS 04001, "Request for Case Information" (11/2011);
- (K) JFS 04234, "Annual Full-Time Equivalent Report" (rev. 1/2008);
- (L) JFS 07014, "Tax Information Safeguarding Authorization Agreement" (rev. 4/2008);
- (M) JFS 07015, "Certification of Compliance with Competitive Sealed Bid Requirements" (rev. 2/2009);
- (N) JFS 07016, "IV-D Contract Security Addendum" (rev. 11/2022);
- (O) JFS 07018; "IV-D Contract" (rev. 12/2013);
- (P) JFS 07019, "Federal Tax Information Item Tracking Log" (4/2008);
- (Q) JFS 07020, "Governmental Contractor IV-D Contract Budget" (rev. 2/2009);
- (R) JFS 07034, "Governmental Contractor Monthly Expense Report" (rev. 2/2009);
- (S) JFS 07035, "IV-D Contract Invoice" (rev. 2/2009);

- (T) JFS 07037, "IV-D Contract Amendment" (rev. 12/2013);
- (U) JFS 07038, "Acknowledgment of Paternity Affidavit" (5/2014), or (rev. 10/2023);
- (V) JFS 07072, "Safeguarding of Internal Revenue Service (IRS), Ohio Department Of Taxation (ODT), Federal Parent Locator Service (FPLS), and Unemployment Compensation (UC) Information" (rev. 11/2022);
- (W) JFS 07078, "Code of Responsibility" (rev. 3/2020);
- ~~(X) JFS 07713, "Child Welfare Agency Locate Only Request" (rev. 4/2018);~~
- ~~(Y)~~(X) JFS 07729, "FTI Safeguarding Workbook" (11/2022);
- ~~(Z)~~(Y) JFS 07766, "Child Support Guideline Manual" (6/2023);
- ~~(AA)~~(Z) JFS 07767, "Ohio Basic Child Support Guideline Schedule" (6/2023);
- ~~(BB)~~(AA) JFS 07768, "Sole/Shared Child Support Computation Worksheet" (3/2019); and
- ~~(CC)~~(BB) JFS 07769, "Split Parenting Child Support Computation Worksheet" (3/2019).

Effective: 1/15/2024

Five Year Review (FYR) Dates: 6/1/2028

CERTIFIED ELECTRONICALLY

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Certification

12/29/2023

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Date

Promulgated Under: 119.03

Statutory Authority: 3125.25

Rule Amplifies: 3125.03, 3125.25

Prior Effective Dates: 05/01/2014, 06/01/2015, 04/01/2018, 03/28/2019,  
12/15/2021, 11/01/2022, 06/01/2023

5101:12-40-01      **Distribution of paternity acknowledgment affidavit and brochure.**

- (A) In accordance with sections 3111.32 and 3111.33 of the Revised Code, the Ohio department of job and family services (ODJFS) shall make the JFS 08079, "Paternity and Acknowledgment of Paternity Affidavit Brochure" (effective or revised effective date as identified in rule 5101:12-40-99 of the Administrative Code) and the JFS 07038, "Acknowledgment of Paternity Affidavit" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code), available to the Ohio department of health, to each hospital ODJFS has a contract with pursuant to section 3727.17 of the Revised Code, and to any individual who requests a pamphlet.
- (B) In accordance with section 3111.33 of the Revised Code, ODJFS shall make the JFS 07038 available to each child support enforcement agency (CSEA) and any other agency that requests a JFS 07038.

Five Year Review (FYR) Dates: 10/20/2023 and 10/20/2028

CERTIFIED ELECTRONICALLY

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Certification

10/20/2023

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Date

Promulgated Under: 119.03  
Statutory Authority: 3125.25  
Rule Amplifies: 3111.09, 3111.32, 3111.33, 3125.03.  
Prior Effective Dates: 07/15/1992, 07/01/2002, 12/15/2006, 05/01/2014,  
11/15/2019

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 5101:12-30-99 of the Administrative Code) - waiver to be signed by a presumed father, alleged father, 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](http://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.

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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, 05/01/2023

5101:12-40-10      **Presumption of paternity.**

(A) In accordance with division (A) of section 3111.03 of the Revised Code, a man is presumed to be the natural father of a child when a final and enforceable determination of paternity does not exist and:

- (1) The man and the child's mother are married to each other and the child is born during the marriage;
- (2) The man and the child's mother are married to each other and the child is born after the man and the child's mother file a separation agreement in court;
- (3) The man and the child's mother have been married to each other and the child is born within three hundred days after the marriage is terminated by death, annulment, divorce, or dissolution;
- (4) The man and the child's mother attempted, before the child's birth, to marry each other by a marriage that was solemnized in apparent compliance with the law of the state in which the marriage took place, the marriage is or could be declared invalid, and either of the following applies:
  - (a) The marriage can only be declared invalid by a court and the child is born during the marriage or within three hundred days after the termination of the marriage by death, annulment, divorce, or dissolution; or
  - (b) The attempted marriage is invalid without a court order and the child is born within three hundred days after the termination of cohabitation; or
- (5) A JFS 07038, "Acknowledgment of Paternity Affidavit" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code), has been filed with the central paternity registry and the JFS 07038 has not become final under former section 3111.211 or 5101.314 or section 2151.232, 3111.25, or 3111.821 of the Revised Code.

(B) In accordance with division (C) of section 3111.03 of the Revised Code, certain presumptions that existed in law prior to March 22, 2001, and were subsequently removed from the statute remain valid on and after that date unless rebutted. These presumptions include:

- (1) Between June 24, 1982, and December 31, 1997, a man, with his consent, is named as the child's father on the birth certificate or signs the child's birth certificate as an informant as provided in section 3705.14 of the Revised Code and a final and enforceable determination of paternity has not been issued; and

- (2) Between April 11, 1991, and December 31, 1997, genetic testing results indicated a probability of paternity of ninety-five per cent or greater but less than ninety-nine per cent that a man is the biological father of the child and a final and enforceable determination of paternity has not been issued.
- (C) A presumption of paternity can only be rebutted by clear and convincing evidence that includes the results of genetic testing. In accordance with division (B) of section 3111.03 of the Revised Code, a presumption that arises when the husband of a married woman consented to artificial insemination or embryo donation is conclusive and cannot be rebutted, pursuant to section 3111.95 or 3111.97 of the Revised Code.
- (D) If two or more conflicting presumptions arise and there is not a final and enforceable determination of paternity as described in rule 5101:12-40-05 of the Administrative Code, the child support enforcement agency (CSEA) shall request the court to determine which presumption controls.

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08/01/1998, 12/01/2001, 09/01/2005, 12/15/2006,  
05/01/2014



5101:12-40-17

**Rescinding an acknowledgment of paternity.**

- (A) The administrative process to rescind a JFS 07038, "Acknowledgment of Paternity Affidavit" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code), shall be initiated at the child support enforcement agency (CSEA) in accordance with this rule. An acknowledgment is considered rescinded when an order is issued determining the existence or non-existence of a parent child relationship, in accordance with section 3111.27 of the Revised Code, and this rule.
- (B) In accordance with section 3111.38 of the Revised Code, the CSEA in the county in which the child resides or in which the guardian or legal custodian of the child resides shall determine the existence or non-existence of a father and child relationship between an alleged father and the child 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.
- (C) In accordance with section 3111.27 of the Revised Code and except as provided in section 2151.232 or 3111.821 of the Revised Code, one of the persons who signed a JFS 07038 that has been filed with the central paternity registry (CPR) may initiate an action to rescind the JFS 07038 not later than sixty days after the date of the latest signature on the JFS 07038.
- (1) To initiate the process to rescind the JFS 07038, the person requesting the rescission must do both of the following:
- (a) Request that the CSEA make an administrative determination of the existence or non-existence of a father and child relationship by completing the administrative determination process as described in rules 5101:12-40-20 to 5101:12-40-20.2 of the Administrative Code, between the man who signed the JFS 07038 and the child who is the subject of it; and
  - (b) Complete a 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).
- (2) The CSEA that receives the JFS 07029 shall:
- (a) Submit the JFS 07029 to the CPR within three business days of receipt;
  - (b) Proceed with determining the existence or non-existence of a father and child relationship; and

- (c) Issue an order in accordance with rule 5101:12-40-20 of the Administrative Code and its supplemental rules determining the existence or non-existence of a father and child relationship between the man that signed the acknowledgment and the child.
- (3) When one of the parties fails to submit to genetic testing resulting in the issuance of an administrative order stating that it is inconclusive whether the alleged father is the natural father of the child, the CSEA shall:
  - (a) In accordance with section 3111.54 of the Revised Code, request the court with jurisdiction in the county in which the CSEA is located to find the person in contempt pursuant to section 2705.02 of the Revised Code, or
  - (b) In accordance with section 3111.04 of the Revised Code, request the court make a determination in establishing the existence or non-existence of a father and child relationship.
- (D) In accordance with section 3111.821 of the Revised Code, if a person who has made a request pursuant to section 3111.78 of the Revised Code to establish support based on a presumption arising from the completion of a JFS 07038 that has not become final raises the issue of the existence or non-existence of a father and child relationship the CSEA shall follow procedures for a request to rescind as described in paragraph (A) of rule 5101:12-45-05.2 of the Administrative Code. The person raising the issue of the existence or non-existence of a father and child relationship shall follow the administrative process to rescind the JFS 07038 as described in paragraph (C) of this rule.
- (E) The following judicial actions to rescind a JFS 07038 may be brought by one of the persons specified in paragraph (C) of this rule. The CSEA shall not initiate these judicial actions to rescind a JFS 07038.
  - (1) In accordance with section 3111.28 of the Revised Code, no later than one year after the JFS 07038 becomes final, a man presumed to be the father of the child pursuant to section 3111.03 of the Revised Code who did not sign the JFS 07038, either person who signed the JFS 07038, or a guardian or legal custodian of the child may bring an action to rescind the acknowledgment on the basis of fraud, duress, or material mistake of fact. The action may be brought in a juvenile court or the domestic relations division of the court of common pleas that has jurisdiction in the county in which the child, the guardian or custodian of the child, or either person who signed the acknowledgment resides.
  - (2) In accordance with section 3119.961 of the Revised Code, a person may file a motion for relief from a JFS 07038 that determines that the person or male

minor referred to in division (B) of section 3109.19 of the Revised Code is the father of a child. The person is required to file the motion in the juvenile court or other court with jurisdiction of the county in which the person or the child who is the subject of the JFS 07038 resides.

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05/01/2014, 11/15/2019

5101:12-40-20.1      **Scheduling and conducting genetic tests.**

- (A) Upon receipt of a request for the determination of the existence or non-existence of a father and child relationship that contains the information described in paragraph (C) of rule 5101:12-40-20 of the Administrative Code, the child support enforcement agency (CSEA) shall assign an administrative officer to consider the request.
- (B) The CSEA shall schedule genetic tests for a date that is no later than forty-five days after the administrative officer has been assigned.
- (C) In accordance with rule 5101:12-30-10 of the Administrative Code, the CSEA shall send the 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) to the natural mother of the child, each man presumed to be the father of the child, and each man alleged to be the father of the child. If a caretaker exists, the CSEA will send the JFS 07754 to the caretaker.
- (D) The CSEA may change the child's surname as part of the administrative order establishing paternity. When requested by the natural mother, presumed father or alleged father, the CSEA shall make available 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).
- (E) In accordance with sections 3111.58 and 3705.09 of the Revised Code when a presumed or alleged father is found to be the natural father of the child and the determination would result in a variance with the child's birth record, the CSEA is required to include the change to the birth record as part of the administrative order establishing paternity.
- (F) Pursuant to section 3111.44 of the Revised Code, after issuing a JFS 07754, the administrative officer may schedule a conference with the mother and the alleged father to provide information. If a conference is scheduled and no other man is presumed to be the father of the child, the administrative officer shall provide the mother and alleged father the opportunity to sign a JFS 07038, "Acknowledgment of Paternity Affidavit" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code). Should the mother and alleged father sign the JFS 07038, the administrative officer shall cancel the genetic testing order the officer had issued. Regardless of whether a conference is held, when the mother and alleged father do not sign a JFS 07038 or when the JFS 07038 cannot be notarized or filed because another man is presumed to be the father of the child, the child, the mother, and the alleged father shall submit to genetic testing in accordance with the order issued by the administrative officer.
- (G) In accordance with section 3111.43 of the Revised Code, when a CSEA is unable to obtain service of process of the JFS 07754 on the presumed father, alleged father, or

natural mother of the child within the timeframe prescribed in paragraph (B) of this rule, the CSEA shall proceed with collecting genetic testing samples from all of those persons who are present on the date the genetic testing is scheduled.

When service of process has not been obtained on the presumed father, alleged father, or natural mother of the child and that party appears for genetic testing, the CSEA shall have the party complete one of the following:

- (1) 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), accompanied by delivery of the JFS 07754 and a copy of the JFS 01716 to the party; or
  - (2) 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, accompanied by delivery of the JFS 07754 and a copy of the waiver form created by the CSEA to the party.
- (H) A qualified examiner who is authorized by the court or the Ohio department of job and family services (ODJFS) shall conduct the genetic testing. Upon completion of the genetic testing, the examiner shall send a complete report of the genetic testing results to the CSEA.

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05/01/2014, 11/15/2019, 05/01/2023

5101:12-40-20.2 **Agreement to modify the child's surname.**

- (A) This rule describes the process that shall be followed when the child support enforcement agency (CSEA) changes the child's surname as part of the administrative order. This process shall be followed by a mother and alleged father when they agree to change the surname of a child if genetic testing shows a ninety-nine per cent or greater probability that the alleged father is the father of the child.
- (B) When the 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) is issued to the parties they are advised that they may request 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) from the CSEA if they are in agreement to change the child's surname. The natural mother and presumed or alleged father shall complete the JFS 04070 to agree to change the surname of the child.
- (C) By completing the JFS 04070, the mother and presumed or alleged father indicate their agreement to change the child's surname only if the CSEA orders that a father and child relationship exists between the man and the child, in accordance with rule 5101:12-40-20.3 of the Administrative Code. The JFS 04070 shall be submitted to the CSEA on or before the date the genetic test results were received by the CSEA. When the parties submit the JFS 04070 to the CSEA, the change will be included in the administrative order only if the alleged father is determined to be the father of the child.
- (D) The JFS 04070 is not an acknowledgment of paternity by either party and may not be construed as such in any subsequent action.
- (E) The JFS 04070 is considered to be complete when:
- (1) It is an original JFS 04070 signed by both parties;
  - (2) All requested information has been provided and is legible;
  - (3) There are no alterations to the information provided;
  - (4) Signatures and any handwritten information is in dark blue or black ink; and
  - (5) Both parents' signatures are properly notarized.
- (F) The CSEA shall reject a JFS 04070 if it is incomplete or if the CSEA believes the JFS 04070 is fraudulent.



- (G) When the CSEA issues a 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), or 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), the JFS 04070 is null and void.

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05/01/2014, 11/15/2019

5101:12-40-20.3 **Administrative paternity orders.**

## (A) Issuing an establishment order.

Upon receipt of genetic testing results that show a ninety-nine per cent or greater probability that the alleged father is the father of the child, the administrative officer shall prepare and issue 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), ordering that a father and child relationship exists between the man and the child. The child support enforcement agency (CSEA) shall attach the genetic testing results report to the JFS 07774. The CSEA shall not attach chain of custody documents.

In accordance with section 3111.46 of the Revised Code, if identical siblings are named as the alleged father, the administrative officer shall refer the case to court and shall not issue an administrative order determining the existence of a father and child relationship.

## (1) Name changes.

- (a) The CSEA may allow the parties to change the surname of the child as part of the administrative order. To change the child's surname the parties shall file a 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) with the CSEA on or before the date the genetic test results were received by the CSEA. The administrative officer shall include the JFS 04070 as an addendum to the administrative order to change the child's surname and check the appropriate box on the JFS 07774.
- (b) The CSEA shall first review the integrated perinatal health information system (IPHIS) to compare the father's information with the information contained in the birth record for this child. In accordance with section 3111.58 of the Revised Code, if the man determined to be the child's father is a man other than the man named in the child's birth record as the father or is otherwise at variance with the child's birth record, the administrative officer shall check the appropriate box on the JFS 07774.
- (c) If no changes are to be made to the child's surname, or the CSEA determines the father's information on the child's birth record (as indicated in IPHIS) does not need to be modified, the CSEA will indicate no changes to the birth record are ordered by checking the appropriate box on the JFS 07774.

- (2) In accordance with section 3111.51 of the Revised Code, unless the CSEA has reason to believe that a person named in the JFS 07774 is a potential victim of domestic violence, the JFS 07774 shall contain the full names, addresses, and social security numbers of the mother and father of the child who is the subject of the order and the full name and address of the child.
- (3) In accordance with rule 5101:12-45-05.1 of the Administrative Code, the administrative officer shall schedule an administrative child support hearing by issuing 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), in conjunction with the JFS 07774.

(B) Issuing an exclusion order.

Upon receipt of genetic testing results that show a less than ninety-nine per cent probability that the alleged father is the natural father of the child, the administrative officer shall prepare and issue a 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). The CSEA shall attach the genetic testing results report to the JFS 07771. The CSEA shall not attach chain of custody documents.

- (1) The CSEA shall review the IPHIS system to compare the name of the man excluded as the father of the child with the name of the man identified as the father in the birth record for this child.
- (2) In accordance with section 3111.58 of the Revised Code, if the man excluded as the child's father is the man named in the child's birth record as the father, the administrative officer shall indicate in the administrative order that the man shall be removed from the birth record by checking the appropriate box on the JFS 07771.
- (3) If the man excluded does not appear on the child's birth record, the CSEA shall indicate no changes to the birth record are ordered by checking the appropriate box on the JFS 07771.

(C) Issuing an inconclusive order.

- (1) When the alleged father or the mother willfully fails to submit to genetic testing or when either the mother, alleged father, or any person who is the custodian or guardian of the child willfully fails to submit the child to genetic testing, the CSEA shall issue the 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).

- (2) When the alleged father or mother willfully fails to submit to genetic testing or when the mother, alleged father, or any person who is the custodian or guardian of the child willfully fails to submit the child to genetic testing, the CSEA may proceed with one of the following actions:
    - (a) In accordance with section 3111.54 of the Revised Code request the court with jurisdiction in the county in which the agency is located to find the person in contempt pursuant to section 2705.02 of the Revised Code, or
    - (b) In accordance with section 3111.04 of the Revised Code, request the court make a determination in establishing the existence or non-existence of a parent child relationship.
- (D) Parties' rights to bring action.
- (1) The mother, alleged father, and the guardian or legal custodian of the child have the right to object to the JFS 07774 or the JFS 07771 by bringing an action under sections 3111.01 to 3111.18 of the Revised Code within fourteen days after the date the administrative officer issues the JFS 07774 or the JFS 07771.
  - (2) When an action is not brought within fourteen days of the issuance of the JFS 07774 or the JFS 07771, the JFS 07774 or JFS 07771 is final and enforceable by a court and may not be challenged in an action or proceeding under Chapter 3111. of the Revised Code.
  - (3) Any of the parties may bring an action under sections 3111.01 to 3111.18 of the Revised Code after a JFS 07773 has been issued.
- (E) After the objection period has expired, the CSEA shall send the original or a certified copy of the JFS 07771 or JFS 07774 and the JFS 04070 if applicable, to the central paternity registry (CPR).

Five Year Review (FYR) Dates: 10/20/2023 and 10/20/2028

CERTIFIED ELECTRONICALLY

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Certification

10/20/2023

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Date

Promulgated Under: 119.03  
Statutory Authority: 3125.25  
Rule Amplifies: 3111.46, 3111.47, 3111.49, 3111.51, 3111.54  
Prior Effective Dates: 08/01/1982, 08/01/1990, 07/15/1992, 09/01/1993,  
06/21/1996, 01/01/1997, 01/01/1998, 08/01/1998,  
12/01/2001, 04/18/2003, 09/01/2005, 12/15/2006,  
05/01/2014, 02/11/2019

5101:12-40-36

**Reimbursement for cost of genetic testing.**

(A) Unless the custodian of the child is the recipient of IV-D services, the child support enforcement agency (CSEA) may seek reimbursement for the costs of genetic testing from:

- (1) Any individual in an action to determine the existence or non-existence of a father and child relationship.
- (2) The person against whom the court assesses the costs of the action in an action brought under sections 3111.01 to 3111.18 of the Revised Code, in accordance with section 3111.09 of the Revised Code.

Except as provided in paragraph (B) of this rule, the CSEA shall not seek reimbursement for the costs of genetic testing from a person who is a recipient or former recipient of Ohio works first.

- (B) When the CSEA has previously conducted genetic testing on the child, child's mother, alleged father, or any other defendant and an action is brought under sections 3111.01 to 3111.18 of the Revised Code to object to the result of those previous tests, the CSEA shall require the person to pay for the costs of such additional testing in advance.
- (C) When reimbursement is received for genetic testing costs that were paid by the Ohio department of job and family services (ODJFS), the CSEA shall ensure that the collection is disbursed to ODJFS.

The CSEA is entitled to retain reimbursement of genetic testing costs that were paid by the CSEA.

Five Year Review (FYR) Dates: 10/20/2023 and 10/20/2028

CERTIFIED ELECTRONICALLY

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Certification

10/20/2023

---

Date

Promulgated Under: 119.03  
Statutory Authority: 3125.25  
Rule Amplifies: 3111.09, 3125.03  
Prior Effective Dates: 02/15/2007, 05/01/2014



Ohio Department of Job and Family Services  
**ACKNOWLEDGMENT OF PATERNITY AFFIDAVIT**  
Ohio Revised Code Section 3111.31

*(Please read the important information on this page before completing the affidavit)*

**Notice of Rights and Responsibilities and Due Process Safeguards**

Completion of the Acknowledgment of Paternity affidavit is voluntary.

If a man voluntarily acknowledges that he is the biological parent of a child by signing an acknowledgment of paternity affidavit (hereafter paternity affidavit), he assumes a parental duty of support for the child, which may be enforced through a child support order.

Both parents who sign this paternity affidavit waive any right to bring a court action to establish paternity pursuant to sections 3111.01 to 3111.18 of the Revised Code or to make a request for an administrative determination of a parent and child relationship pursuant to section 3111.38 of the Revised Code, other than a court action filed to rescind the paternity affidavit.

There are some circumstances under which either parent may rescind the paternity affidavit after it is signed (pursuant to sections 3111.27, 3111.28, and 3119.961 of the Revised Code). To rescind the paternity affidavit, no later than 60 days after the date of the latest signature on the acknowledgment of paternity affidavit, either parent who signed it must do ALL of the following:

1. Request an administrative determination of a parent and child relationship from the county child support enforcement agency (CSEA) in which the child, guardian, or legal custodian of the child resides;
2. Complete a JFS 07029, "Request for Paternity Determination and Notification to Central Paternity Registry"; AND
3. Appear for genetic testing.

After the 60 day period and within one year after the paternity affidavit becomes final pursuant to sections 2151.232, 3111.25 or 3111.821 of the Revised Code, a man presumed to be the father of the child pursuant to section 3111.03 of the Revised Code who did not sign the acknowledgment, either person who signed the acknowledgment, or a guardian or legal custodian of the child may file an action with the court to rescind the paternity affidavit on the basis of fraud, duress, or material mistake of fact.

A man who is determined to be the father of a child has the right to petition a court for an order granting him reasonable parenting time with respect to the child (pursuant to section 3109.12 of the Revised Code) and petition the court for custody of the child (pursuant to section 2151.23 of the Revised Code). Pursuant to section 3109.042, an unmarried female who gives birth to a child is the sole residential parent and legal custodian of the child until a court issues an order designating another person as the residential parent and legal custodian. The court will treat the mother and father on an equal standing when making this designation.

If you are not sure if the man is the child's biological father, paternity may be established through genetic testing. Testing can be arranged, usually without charge, through the CSEA if a court or an administrative action to establish paternity is filed. If testing is desired, do not sign the paternity affidavit, instead contact the local CSEA and request genetic tests. If the test shows that the man is the father, the agency will then issue an administrative order establishing paternity and may proceed to determine a child support order.

**Purpose of this Affidavit**

The purpose of the paternity affidavit is to acknowledge the legal existence of a father and child relationship through voluntary paternity establishment.

**This paternity affidavit CANNOT be signed if:**

- A man is already the legal father of the child under a court or administrative order or a paternity affidavit that has become final;
- The man signing the affidavit has already been excluded as the biological father of the child by court or administrative order; or
- Another man is presumed to be the biological father of the child. Pursuant to Ohio Revised Code section 3111.03, a man is presumed to be the biological father of a child when:
  1. The man is married to the child's mother at the time of the child's birth; or
  2. The man and the child's mother were married to each other and the child is born within 300 days after the marriage is ended by court order or by the death of the man or the mother; or
  3. The man and the child's mother were married to each other and the child is born after the man and the child's mother file a separation agreement in court; or
  4. The man signed an Acknowledgment of Paternity Affidavit that has been filed with the Ohio Department of Job & Family Services and the Acknowledgment has not become final.

**Instructions**

\* Type or print legibly in dark blue or black ink.

\* This form must be printed on legal sized paper.

\* All required spaces in the child's, mother's, and father's sections must be filled out.

\* Both the biological father and mother of the child are required to sign this affidavit. The affidavit may be signed by a parent without being in the other parent's presence. EACH parent's signature MUST be notarized OR witnessed by two adult witnesses at the time of signing. Neither parent may sign as a witness to the other parent's signature.

\* After the affidavit has been completed, signed, and notarized or witnessed, it must be sent within 10 calendar days of the last signature to the following address:

Central Paternity Registry  
PO Box 183206  
Columbus, OH 43218-3206

\* You can contact the Central Paternity Registry if you have any questions toll free at 1-888-810-6446.

\*Please type or print in dark blue or black ink\*

### CHILD'S INFORMATION

Name (First)		(Middle)	(Last)	Suffix, if applicable (i.e. Jr/Sr)	
Date of Birth ((Mo/Day/Year))	Place of Birth (City)		(State)	(County)	
State or Country of Birth			Date of Birth ((Mo/Day/Year))		
Current Residence (Full Street Address)		(City)	(State)	(Zip)	
If a birth certificate for the child has already been filed, do you now wish to <u>change</u> the child's name? <input type="checkbox"/> YES <input type="checkbox"/> NO					
If "YES", give the child's <u>new</u> name (First)		(Middle)	(Last)	Suffix, if applicable (i.e. Jr/Sr)	

### MOTHER'S INFORMATION

(Name at the time of child's birth)

Name (First)	(Middle)	(Last)	Maiden Name		
Address (Full Street Address)		(City)	(State)	(Zip)	
Date of Birth ((Mo/Day/Year))		Social Security Number (If you do not have a SSN enter N/A)			
Phone Number (Optional)		You are required to provide your social security number in accordance with federal law at 42 USC 666, your social security number will be used for child support purposes only.			

### FATHER'S INFORMATION

Name (First)	(Middle)	(Last)	Suffix, if applicable (i.e. Jr/Sr)		
Address (Full Street Address)		(City)	(State)	(Zip)	
State or Country of Birth		Date of Birth ((Mo/Day/Year))			
Phone Number (Optional)		Social Security Number (If you do not have a SSN enter N/A)			
You are required to provide your social security number in accordance with federal law at 42 USC 666, your social security number will be used for child support purposes only.					

### ACKNOWLEDGMENT BY BIOLOGICAL PARENTS

Under penalties of perjury, WE HEREBY DECLARE that we have read or had read to us all information on this form; the foregoing Acknowledgment of Paternity and that the facts stated in it are true to the best of our knowledge and belief; that we have received information about our legal rights and responsibilities; that we consent to the jurisdiction of the courts of this state; and that we are the biological parents of the child named on this form and that we assume the parental duty of support of the child.

Signature of Biological Father	Signature of Biological Mother
--------------------------------	--------------------------------

### IF NOTARIZED

Before me appeared the above named person who signed this affidavit under oath or by affirmation on this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, in State of \_\_\_\_\_, County of \_\_\_\_\_.

Before me appeared the above named person who signed this affidavit under oath or by affirmation on this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, in State of \_\_\_\_\_, County of \_\_\_\_\_.

(SEAL)

(SEAL)

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Expiration of Commission

\_\_\_\_\_  
Expiration of Commission

### OR, IF NOT NOTARIZED ABOVE, WITNESSED BELOW

_____ Date Signed	_____ Date Signed		
Witness: _____ Printed Name	Signature _____	Witness: _____ Printed Name	Signature _____
Witness: _____ Printed Name	Signature _____	Witness: _____ Printed Name	Signature _____

EBC #	CSEA #	Registrar #	CPR #	ODH File #
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Ohio Department of Job and Family Services  
**ACKNOWLEDGMENT OF PATERNITY AFFIDAVIT**  
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  2. The man and the child's mother were married to each other and the child is born within 300 days after the marriage is ended by court order or by the death of the man or the mother; or
  3. The man and the child's mother were married to each other and the child is born after the man and the child's mother file a separation agreement in court; or
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\* After the affidavit has been completed, signed, and notarized or witnessed, it must be sent within 10 calendar days of the last signature to the following address:

Central Paternity Registry  
PO Box 183206  
Columbus, OH 43218-3206

\* You can contact the Central Paternity Registry if you have any questions toll free at 1-888-810-6446.

## 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 or two adults witnesses and have the affidavit notarized or witnessed. Both parents do not have to sign it at the same time.

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 as a parent (not as a witness).

## 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?

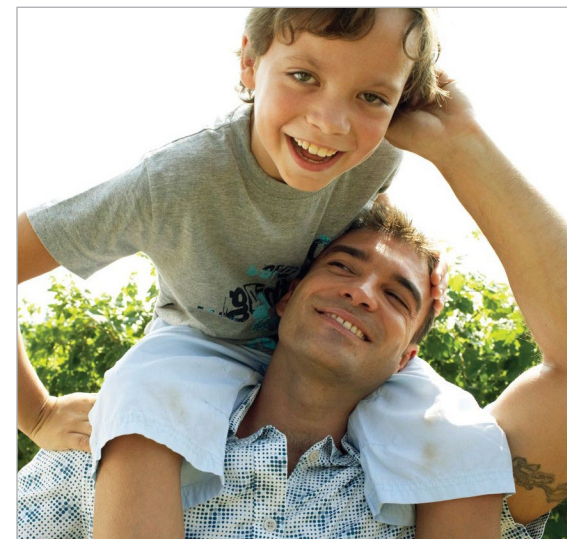
Either parent can stop the process anytime within 60 days of signing it by contacting their local CSEA. For more information please see the FAQ at [www.oh-paternity.com](http://www.oh-paternity.com).

## 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](http://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

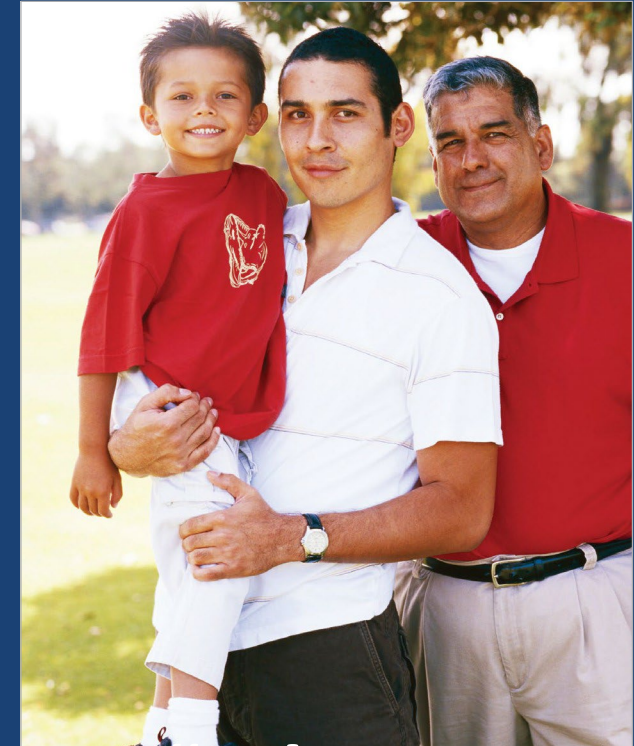
Office of Child Support

JFS 08079 (Rev.10/2023)

This institution is an equal opportunity provider and employer.



Department of  
Job & Family  
Services



**“What a  
difference a  
Dad makes!”**

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