



Ohio Administrative Code Rule 5101:12-30-10 Service of process.

Effective: May 1, 2023

(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).

(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, 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 (7/1/2020) and 4.1 (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 the certified, express, or commercial carrier mail is returned to the CSEA because it was 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.

(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) 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 (7/1/2018) 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 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) When the certified, express, or commercial carrier mail is returned to the CSEA because it was 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 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.

(iv) 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.

(v) 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 of 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.

(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.

(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 (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).
- (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.
- (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.



(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.

(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) 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.