



## Ohio Administrative Code

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

Effective: [May 1, 2023](#)

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(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.