



Ohio Administrative Code

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

Effective: November 15, 2019

(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.