



Ohio Administrative Code

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

Effective: February 11, 2019

(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).