



Ohio Administrative Code

Rule 5101:12-40-25 Court order for genetic testing.

Effective: December 15, 2006

(A) In accordance with section 3111.09 of the Revised Code, in any action instituted under sections 3111.01 to 3111.18 of the Revised Code, the court, upon its own motion, may order and, upon the motion of any party to the action, is required to order the child's mother, the child, the alleged father, and any other person who is a defendant in the action to submit to genetic testing.

(B) Instead of or in addition to genetic testing ordered pursuant to section 3111.09 of the Revised Code, the court may use a deoxyribonucleic acid (DNA) record of the child's mother, the child, the alleged father, or any other defendant that is stored in the DNA database, as described in section 109.573 of the Revised Code, to determine the existence of a parent and child relationship between the child and the child's mother, the alleged father, or another defendant. When the court orders the superintendent of the bureau of criminal identification and investigation to disclose information regarding a DNA record stored in the DNA database, the superintendent is required to send the information to the child support enforcement agency (CSEA) when the CSEA is a party to the action.

(C) When the CSEA is made a party to a judicial action instituted under sections 3111.01 to 3111.18 of the Revised Code and the court orders the CSEA to conduct genetic testing, the CSEA shall schedule the genetic testing to be conducted on a date that is no later than forty-five days after the CSEA receives the court order. The CSEA shall notify the court of the date and time of the genetic testing and the name of the laboratory that will conduct the genetic testing. If any party fails to submit to genetic testing on the scheduled date, the CSEA shall notify the court immediately of the failure.

(D) The genetic testing is required to be made by qualified examiners who are authorized by the court or the Ohio department of job and family services (ODJFS).

(E) When the CSEA receives the genetic testing results or a DNA record, the CSEA shall mail a copy of the report or information to the attorney of record for each party or, if a party is not represented by an attorney, to the party. The CSEA shall include a notice that the party may object



to the admission into evidence of the report or DNA record by filing a written objection as described in division (D) of section 3111.12 of the Revised Code with the court that ordered the tests or ordered the disclosure of the information no later than fourteen days after the report or information was mailed to the attorney of record or to the party.

(F) In accordance with section 3111.09 of the Revised Code, any fees charged for genetic testing shall be paid by the party that requests the genetic testing, unless the custodian of the child is represented by the CSEA in its role as the IV-D agency, is a recipient of Ohio works first (OWF) for the benefit of the child, or the defendant in the action is found to be indigent, in which case the CSEA shall pay the costs of genetic testing.

When there is a dispute as to who shall pay the costs of genetic testing, the CSEA shall pay the costs. Neither the court nor the CSEA shall delay genetic testing due to a dispute as to who shall pay the costs.