

5101:2-48-02 **Putative father registry.**

(A) "Putative father" as defined in section 3107.01 of the Revised Code means a man, including one under age eighteen, who may be a child's father and to whom all of the following apply:

(1) He is not married to the child's mother at the time of the child's conception or birth.

(2) He has not adopted the child.

(3) He has not been determined, prior to the date a petition to adopt the child is filed, to have a parent and child relationship with the child by a court proceeding pursuant to sections 3111.01 to 3111.18 of the Revised Code, a court proceeding in another state, an administrative agency proceeding pursuant to sections 3111.38 to 3111.54 of the Revised Code, or an administrative agency proceeding in another state.

(4) He has not acknowledged paternity of the child pursuant to sections 3111.21 to 3111.54 of the Revised Code.

~~(A)~~(B) The "Ohio Putative Father Registry" (OPFR) is designed to:

(1) Facilitate the registration of putative fathers who want to be notified in the event that their child may be placed for adoption;

(2) Facilitate interested parties' efforts to identify a putative father through submission of a request for a search to be conducted on the OPFR.

~~(B)~~(C) A putative father may contact a public children services agency (PCSA), private child placing agency (PCPA), or the Ohio putative father registrar's office for information on how to register on the OPFR. ~~The PCSA, PCPA or the Ohio putative father registrar's office shall provide the JFS 01694 "Putative Father Registry Registration Form" to the putative father. A putative father shall complete the JFS 01694 and submit it to the Ohio putative father registrar's office. The JFS 01694 may be submitted prior to the birth of the child or within thirty days following birth of the child. Forms which are complete will result in information being entered on the OPFR. The Ohio putative father registrar's office will send the putative father confirmation that his name has been entered on the OPFR. The Ohio putative father registrar's office shall return all incomplete forms to the putative father and request further information.~~

(D) The PCSA, PCPA or the Ohio putative father registrar's office shall provide the JFS 01694 "Putative Father Registry Registration Form" (rev. 3/2008) to the putative father.

(E) A putative father shall complete the JFS 01694 and submit it to the Ohio putative father registrar's office.

(F) The putative father may submit the JFS 01694 prior to the birth of the child or within thirty days following the birth of the child.

(G) The Ohio putative father registrar's office will enter the information from completed forms in the OPFR and will send the putative father confirmation that his name has been entered on the OPFR.

(H) The Ohio putative father registrar's office shall return all incomplete forms to the putative father and request further information.

~~(C)~~(I) The mother of the child, the PCSA or PCPA involved in arranging a child's adoption, or attorneys representing any of these parties may ~~submit a request for a search of the OPFR. To request a search, the mother, the PCSA, PCPA, or attorney arranging a child's adoption shall complete~~ by completing the JFS 01695 "Application for Search of Ohio Putative Father Registry" (rev. 3/2008) and ~~submit~~ submitting it to the Ohio putative father registrar's office.

~~(D)~~(J) The PCSA or PCPA shall determine if there is a putative father by ~~engaging in the following activities:~~ doing the following:

- (1) Work with the mother to identify the name of the child's father and determine if either parent is eligible for membership with an American Indian tribe; ~~and,~~
- (2) Contact the Ohio putative father registrar's office to request a search be conducted on the OPFR to determine if the child's father is registered on the OPFR. A request for a search of the OPFR may be made at any time but a final search of the OPFR shall be made no sooner than thirty-one days after the birth of the child.

~~(E)~~(K) The PCSA or PCPA is not required to search the OPFR for court proceedings on adoption of a child ~~when:~~ if:

- (1) The mother was married at the time the child was born or conceived.
- (2) The parent placing the child previously adopted the child.
- (3) Prior to the date the petition to adopt the child is filed, a man has been determined to have a parent and child relationship with the minor by:

- (a) A court proceeding pursuant to sections 3111.01 to ~~3111.19~~ 3111.18 of the Revised Code;
 - (b) A court proceeding in another state;
 - (c) An administrative agency proceeding pursuant to sections ~~3111.20 to 3111.29~~ 3111.38 to 3111.54 of the Revised Code;
 - (d) An administrative agency proceeding in another state; ~~or~~.
 - (e) A signed acknowledgment pursuant to section ~~2405.18~~ 2151.232, 3111.25 or 3111.821 of the Revised Code.
- (4) The PCSA or PCPA has permanent custody of the child ~~through an order of the juvenile court.~~ pursuant to Chapter 2151. or division (B) of section 5103.15 of the Revised Code.
- ~~(F)~~(L) If the request for search is a final search for court documentation, the Ohio putative father registrar's office will conduct a search by name of the father, mother and child. Within seven business days, the Ohio putative father registrar's office will send one of the following:
- (1) A ~~copy of the completed JFS 01696 "Response to Person(s) Requesting Search of Ohio Putative Father Registry"~~ response to the requesting party indicating no matches have been made; ~~or~~.
 - (2) A ~~copy of the completed JFS 01696~~ response to the requesting party indicating a potential match has been made; ~~or~~.
 - (3) ~~The JFS 01697 "Ohio Putative Father Registry Certification"~~ A response to the requesting party indicating the results of the final search.
- (M) The requesting party may only request one final search per child.
- (N) If the request for a search is ~~to be~~ submitted to the court and is not a final search for court documentation, the OPFR will conduct a search by name of the father, mother, and child. Within twenty-one business days, the OPFR will send one of the following:
- (1) A copy of the completed JFS 01696 "Response to Person(s) Requesting Search of Ohio Putative Father Registry" to the requesting party indicating no

matches have been made;~~or,~~

- (2) A copy of the completed JFS 01696 to the requesting party indicating a potential match has been made.
- (O) The PCSA or PCPA arranging the adoption shall file the ~~JFS 01697 "Ohio Putative Father Registry Certification"~~ response received from the Ohio putative father registry's office with the court prior to the issuance of the final adoption decree or the interlocutory order of adoption.
- (P) ~~A person claiming to be the father of a child born to a single mother who is not named on the birth certificate;~~ A man who is not named on the birth certificate as the father of a child born to a single mother and has not signed an acknowledgement of paternity pursuant to Chapter 3111. of the Revised Code or who has not been declared a parent by a court of law, does not have rights in a voluntary surrender under division (B)(2) of section 5103.15 of the Revised Code unless he is registered with the Putative Father Registry. A single mother of a child is presumed to be the sole legal custodian. ~~Therefore, review~~ Review of the father registry is sufficient to satisfy the requirements of voluntary surrender in section 5103.15 of the Revised Code.

Effective: 05/15/2009

R.C. 119.032 review dates: 08/28/2008 and 08/01/2013

CERTIFIED ELECTRONICALLY

Certification

04/07/2009

Date

Promulgated Under: 119.03
Statutory Authority: 3107.062, 5153.16
Rule Amplifies: 3107.062, 5103.15, 5153.16
Prior Effective Dates: 1/14/83, 6/1/85 (Emer.), 8/12/85, 9/18/96,
2/13/98(Emer.), 5/14/98, 9/1/03