

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: 11/21/2023

TIME: 10:00 AM

LOCATION: Teleconference and Room 3110B, Rhodes State Office Tower, 30 East Broad St., Columbus, Ohio 43215

This meeting will be held by teleconference and in person. If you would like to submit oral testimony, please attend the meeting site location or call in at the date and time to 1-614-721-2972. Then enter the meeting I.D. # which is 366 152 155#. Written testimony may also be submitted electronically to rules@jfs.ohio.gov.

Pursuant to sections 3111.35, 3111.43, 3125.25 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment of the rules as identified below and of a public hearing thereon.

The following OAC rules are being proposed for amendment as a result of a review conducted in accordance with section 106.03 of the Revised Code (ORC), which requires five-year reviews of all state agency rules.

- Rule 5101:12-1-99, "Chapter 5101:12-1 forms - Ohio support enforcement program," contains a compilation of forms with their effective or revised effective date, referenced within various rules contained within division 5101:12 of the Administrative Code, but first cited within Chapter 5101:12-1 of the Administrative Code. Changes to the rule include: updated the effective date of JFS 07038, "Acknowledgment of Paternity Affidavit" and removed the JFS 07713 as it is no longer needed.
- Rule 5101:12-40-15, "Acknowledgment of paternity," describes the process to sign the JFS 07038, "Acknowledgment of Paternity Affidavit" for a mother of a child and a man alleging himself to be the natural father of the child. The rule is being revised to comply with HB 33 of the 135th General Assembly. Changes to this rule include:
 - Specified that the acknowledgment may be transmitted electronically to the Central Paternity Registry (CPR), by the hospitals, vital statistics, and the CSEAs,
 - Specified that a Child Support Enforcement Agency (CSEA) must provide a notary to notarize the paternity affidavit or two witnesses to witness the paternity affidavit,
 - Deleted paragraph (I), as the provisions are already stated in paragraph (D)(3) of rule 5101:12-40-30 of OAC, and
 - Removed all the restrictive regulatory language throughout the rule.
- Rule 5101:12-40-20, "Administrative determination of the existence or non-existence of a father and child relationship," describes the process a CSEA shall follow to administratively determine the existence or non-existence of a father and child relationship. Changes to the rule include: removed the provisions in paragraph (D) as section 3111.40 of ORC was rescinded in HB 33 of the 135th General Assembly, and removed all the restrictive regulatory language throughout the rule.
- Rule 5101:12-40-30, "Central paternity registry," describes the requirements that CPR must follow in maintaining a birth registry. The rule is being revised to comply with HB 33 of the 135th General Assembly. Changes to this rule include:
 - Removed the paper color requirement for the JFS 07038,
 - Specified that the parents' signatures must be properly notarized or witnessed by two adult witnesses,
 - Clarified when the JFS 07038 is considered to be completed correctly,
 - Clarified procedures for CPR to use upon receipt of a JFS 07038,

- Paragraph (E) was revised to clarify the process when CPR receives a request to rescind the JFS 07038, and
- Removed all the restrictive regulatory language throughout the rule.

- Rule 5101:12-40-99, "Chapter 5101:12-40 forms - paternity establishment," contains a compilation of forms with their effective or revised effective date, referenced within various rules contained within 5101:12 of the Administrative Code, but first cited within Chapter 5101:12-40 of the Administrative Code. The rule is being revised to update the effective date of JFS 08079, "Paternity and Acknowledgment of Paternity Affidavit Brochure."

The following rule is being proposed for rescission:

- Rule 5101:12-55-30, "State lottery prize award intercept," describes the process used by a CSEA to issue an intercept directive to the Ohio Lottery Commission (OLC) to transmit an amount from the proceeds of a specified lottery prize award to the Office of Child Support (OCS), when the prize winner is an obligor who is subject to a final and enforceable determination of default. This rule is no longer needed as the manual process to intercept lottery winnings is being removed from ORC section 3123.89 by HB 33 of the 135th General Assembly.

Copies of the proposed rules are available, without charge, to any person affected by the rules at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>.

A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for copies of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.