

TO BE RESCINDED

5101:12-40-20.2 **Administrative paternity orders.**

(A) Upon receipt of genetic testing results, the administrative officer of the child support enforcement agency (CSEA) shall issue:

- (1) The JFS 07774, "CSEA Administrative Order – Establishment of Paternity" (rev. 11/2001), ordering that a father and child relationship exists between the man and the child, when the results of the genetic testing show a ninety-nine per cent or greater probability that the alleged father is the father of the child; or
- (2) The JFS 07771, "CSEA Administrative Order-Non-existence of Child-Parent Relationship" (rev. 1/2006), when the results of the genetic testing show less than a ninety-nine per cent probability that the alleged father is the natural father of the child.

(B) 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" (rev. 8/2005).

In accordance with section 3111.54 of the Revised Code, 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 request that a court find that person to be in contempt pursuant to section 2705.02 of the Revised Code.

(C) 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 thirty days after the date the administrative officer issues the JFS 07774 or the JFS 07771.

When an action is not brought within thirty 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.

- (2) 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.

- (D) 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.
- (E) No later than ten days after a JFS 07774 or JFS 07771 has been issued by the CSEA, the CSEA shall complete a JFS 07039, "CSEA Transmittal Log" (12/2006) and send the JFS 07039 and a copy of the JFS 07774 or JFS 07771 to the CPR.
- (F) In accordance with section 3111.80 of the Revised Code, if an administrative officer issues a JFS 07774, the administrative officer shall schedule an administrative support hearing in accordance with rule 5101:12-45-05.1 of the Administrative Code to determine the amount of child support any parent is required to pay and the method of payment of the child support and the method of providing for the child's health care.

Effective:

R.C. 119.032 review dates: 05/16/2012

Certification

Date

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