

5101:12-40-30

Central paternity registry.

- (A) In accordance with section 3111.64 of the Revised Code, the central paternity registry (CPR) in the office of child support in the Ohio department of job and family services (ODJFS) ~~shall~~is to maintain a birth registry.

The birth registry ~~shall~~is to contain the following information, when that information is included in a JFS 07038, "Acknowledgment of Paternity Affidavit" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code), an order issued pursuant to section 3111.13 of the Revised Code on or after January 1, 1998, 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), or 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) that has been filed with the CPR:

- (1) The names of the parents of the child subject to the JFS 07038 or order;
- (2) The name of the child; and
- (3) The resident address of each parent and each parent's social security number.

- (B) Court or administrative order establishing paternity.

- (1) No later than two business days after receipt of an order issued pursuant to section 3111.13 of the Revised Code, or a JFS 07774, the CPR ~~shall~~is to enter the required information in the birth registry.

~~(a)~~(2) When a JFS 07774 indicates that a change is ordered to the birth record, the CPR will send the order to the Ohio department of health (ODH). In accordance with section 3111.58 of the Revised Code, ODH ~~shall~~is to prepare a new birth record consistent with the agency's determination and substitute the new record for the original birth record. In accordance with section 3705.09 of the Revised Code, upon the issuance of a new birth record, the original birth record ~~shall cease to be a public record and the original record and any documentary evidence supporting the new registration of birth shall be placed in an envelope which shall be sealed by the department and shall not be open to inspection or copy unless so ordered by a court of competent jurisdiction.~~

- ~~(b) When a JFS 07774 does not order a change to the birth record the CPR will destroy the JFS 07774.~~

~~(e)~~(3) When 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) is attached to the administrative order as an addendum the CPR will send the order and addendum to ODH.

~~(2)~~(4) When the CPR receives a JFS 07774 or a JFS 04070 that is incomplete or not an original or certified copy, the CPR shallis to record the JFS 07774 or JFS 04070 as an invalid document and return it to the JFS 07774 or JFS 04070 to the CSEA no later than two business days after receipt. Along with the JFS 07774 or the JFS 04070, the CPR shallis to send a notice stating what needs to be corrected.

(C) Court or administrative order excluding paternity.

(1) No later than two business days after receipt of an order issued pursuant to section 3111.13 of the Revised Code, or a JFS 07771, the CPR shallis to enter the required information in the birth registry.

~~(a)~~(2) When a JFS 07771 indicates that a change is ordered to the birth record the CPR will send the order to ODH. In accordance with section 3111.58 of the Revised Code, ODH shallis to prepare a new birth record consistent with the agency's determination and substitute the new record for the original birth record. In accordance with section 3705.09 of the Revised Code, upon the issuance of a new birth record, the original birth record ~~shall cease~~ shallis to be a public record and the original record and any documentary evidence supporting the new registration of birth shallis to be placed in an envelope which shallis to be sealed by the department and shallis not be open to inspection or copy unless so ordered by a court of competent jurisdiction.

~~(b) When a JFS 07771 does not order a change to the birth record the CPR will destroy the JFS 07771.~~

~~(2)~~(3) When the CPR receives a JFS 07771 that is incomplete or not an original or certified copy, the CPR shallis to return it to the CSEA no later than two business days after receipt. Along with the JFS 07771 the CPR shallis to send a notice stating what needs to be corrected.

(D) Acknowledgment of paternity.

(1) No later than five days after receipt of a JFS 07038, the CPR shallis to examine the JFS 07038 to determine whether it is completed correctly.

(a) The filed JFS 07038 is considered to be completed correctly when:

- (i) A final and enforceable determination of paternity pursuant to rule 5101:12-40-05 of the Administrative Code, which has been filed by the CPR, does not already exist for the child;
 - (ii) The alleged father who signed the JFS 07038 has not previously been excluded as the father of the child by a court or administrative order, which has been filed by the CPR;
 - ~~(i)~~(iii) It is an original JFS 07038 as provided by ODJFS (~~brown~~, legal sized paper) and not a copy;
 - ~~(ii)~~(iv) All of the following required information has been provided on the JFS 07038 by the parties;
 - (a) The names of the parents of the child subject to the acknowledgment,
 - (b) The name and place of birth of the child,
 - (c) The resident address of each parent and the child,
 - (d) The date of birth of each parent and the child,
 - (e) The social security number of each parent,
 - ~~(iii)~~(v) Information provided is clear and legible;
 - ~~(iv)~~(vi) Signatures and any handwritten information is in dark blue or black ink;
 - ~~(v)~~(vii) The child's and parents' information appear correct in light of the other information on the JFS 07038 (e.g., the child's date of birth is not after the date the parties signed the JFS 07038 or before the parents' dates of birth); and
 - ~~(vi)~~(viii) Both parents signed the JFS 07038, and their signatures are properly notarized or witnessed by two adults.
- (b) When the JFS 07038 has not been completed correctly, ~~the CPR shall return the JFS 07038 to the person or entity that filed the JFS 07038. In addition to the JFS 07038, the CPR shall~~ is to send a notice indicating the required corrections; ~~The person or entity in receipt of the returned JFS 07038 has ten days from the date of the notice to submit a replacement JFS 07038 to the CPR.~~

(i) The JFS 07038 is invalid;

(ii) The CPR is to record the JFS 07038 as an invalid document;

(iii) When the JFS 07038 is invalid due to an issue under paragraphs (D)(1)(a)(i) or (D)(1)(a)(ii) of this rule, the CPR is to send to the parents for whom the JFS 07038 was submitted a notice indicating why the JFS 07038 cannot be filed by the CPR; and

(iv) When the JFS 07038 is invalid due to an issue under paragraphs (D)(1)(a)(iii) to (D)(1)(a)(viii) of this rule, the CPR is to send to the parents for whom the JFS 07038 was submitted a notice indicating the needed corrections and a new JFS 07038 to be completed.

~~(e) When the corrected JFS 07038 has been returned to the CPR, the CPR shall examine the JFS 07038 again. When the JFS 07038 has not been completed correctly, the JFS 07038 is invalid. The CPR shall return an invalid JFS 07038 to the person or entity that filed it and shall not enter the JFS 07038 into the birth registry. In addition to the JFS 07038, the CPR shall send a notice identifying the errors contained within the JFS 07038, and inform the person or entity that the JFS 07038 is invalid.~~

(2) Within three business days of determining that the JFS 07038 is completed correctly, the CPR ~~shall~~ is to:

(a) Enter the information on the JFS 07038 in the birth registry; and

(b) Send the JFS 07038 to ODH.

(3) When a JFS 07038 becomes final as described in paragraph ~~(G)~~(H) of rule 5101:12-40-15 of the Administrative Code, the CPR ~~shall~~ is to notify ODH that the JFS 07038 is final and enforceable.

(E) Rescission request.

(1) Upon receipt of a JFS 07029, "Request for Paternity Determination and Notification to Central Paternity Registry" (effective or revised effective date as identified in rule 5101:12-40-99 of the Administrative Code), the CPR ~~shall~~ is to contact the CSEA indicated on the JFS 07029 to verify compliance with paragraph (C)(1) of rule 5101:12-40-17 of the Administrative Code.

(a) When the CPR verifies compliance, the CPR ~~shall~~ is to note in its record the date the JFS 07029 was received and that the JFS 07038 to which the JFS 07029 pertains is subject to rescission. The CPR ~~shall~~ is to forward

~~the JFS 07029 to ODH, and ODH will ensure that the birth record does not contain any information that was provided on the JFS 07038 that is being rescinded.~~

(b) When the CPR is unable to verify compliance, it ~~shall~~will note in its records the date the JFS 07029 was received and that compliance was not verified.

(2) A JFS 07038 is considered rescinded when:

(a) The CPR receives a JFS 07774 or JFS 07771 pursuant to rule 5101:12-40-20.3 of the Administrative Code.

(b) The CPR receives a court order to rescind the JFS 07038, in accordance with section 3111.28 or 3119.961 of the Revised Code.

~~(3) The CPR shall retain a JFS 07038 that has been returned to the CPR by ODH.~~

~~(4)~~(3) The CPR ~~shall~~is to provide the registry number of a JFS 07038 that has not been rescinded or an order described in paragraph (A) of this rule that has been filed with the CPR upon request to an individual to whom a JFS 07038, JFS 07771, or JFS 07774 or a court paternity order pertains or the legal representative of that individual.

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