

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:12-40-30

Rule Type: Amendment

Rule Title/Tagline: Central paternity registry.

Agency Name: Department of Job and Family Services

Division: Child Support

Address: 30 E Broad Street Columbus OH 43215

Contact: Michael Lynch **Phone:** 614-466-4605

Email: Michael.Lynch@jfs.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 10/20/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3111.34, 3111.67, 3125.25
5. What statute(s) does the rule implement or amplify? 3111.22, 3111.23, 3111.24, 3111.27, 3111.64, 3111.65, 3111.66, 3125.03
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

Five year rule review.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule describes the requirements that the Central Paternity Registry (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.

- 9. Does the rule incorporate material by reference? Yes**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to the Ohio Revised Code (ORC). This question is not applicable to any incorporation by reference to the ORC because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.75(A)(1)(a).

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code (OAC). This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.75(A)(1)(d).

This rule incorporates one or more references to a form or a digital application into which data is entered. This question is not applicable to any incorporation by reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75(B)(4).

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

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Not Applicable.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not Applicable.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

III. Common Sense Initiative (CSI) Questions

- 17. Was this rule filed with the Common Sense Initiative Office? No**

- 18. Does this rule have an adverse impact on business? No**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No**
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 33

(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) shallis to maintain a birth registry.

(A) The birth registry shallis 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)

(B)(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

(B)(2) 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

(B)(2) In accordance with section 3705.09 of the Revised Code, upon the issuance of a new birth record, the original birth record shall ceaseceases to be a public record

(B)(2) and the original record and any documentary evidence supporting the new registration of birth shallis to be placed in an envelope

(B)(2) which shallis to be sealed by the department

(B)(2) and shallis not be open to inspection or copy unless so ordered by a court of competent jurisdiction

(B)(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 the JFS 07774 or JFS 04070 to the CSEA no later than two business days after receipt

(B)(4) Along with the JFS 07774 or the JFS 04070, the CPR shallis to send a notice stating what needs to be corrected

(C)(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

(C)(2) 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

(C)(2) upon the issuance of a new birth record, the original birth record shall ceaseceases to be a public record

(C)(2) and the original record and any documentary evidence supporting the new registration of birth shallis to be placed in an envelope

(C)(2) which shallis to be sealed by the department

(C)(2) and shallis not be open to inspection or copy unless so ordered by a court of competent jurisdiction

(C)(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.

(C)(3) Along with the JFS 07771 the CPR shallis to send a notice stating what needs to be corrected

(D)(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

(D)(1)(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

(D)(1)(b) In addition to the JFS 07038, the CPR shallis to send a notice indicating the required corrections

(D)(1)(c) When the corrected JFS 07038 has been returned to the CPR, the CPR shall examine the JFS 07038 again

(D)(1)(c) The CPR shall return an invalid JFS 07038 to the person or entity that filed it

(D)(1)(c) and shall not enter the JFS 07038 into the birth registry.

(D)(1)(c) 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.

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

(D)(3) CPR shallis to notify ODH that the JFS 07038 is final and enforceable

(E)(1) the CPR shallis 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

(E)(1)(a) When the CPR verifies compliance, the CPR shallis 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

(E)(1)(a) The CPR shallis to forward the JFS 07029 to ODH

(E)(1)(b) When the CPR is unable to verify compliance, it shallwill note in its records the date the JFS 07029 was received and that compliance was not verified

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

(E)(3) The CPR shallis to provide the registry number of a JFS 07038 that has not been rescinded

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable