

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:12-40-99

Rule Type: Amendment

Rule Title/Tagline: Chapter 5101:12-40 forms - paternity establishment.

Agency Name: Department of Job and Family Services

Division: Child Support

Address: OFC- 4200 E. 5th Ave., 2nd fl. J6-06 P.O. Box 183204 Columbus OH 43218-3204

Contact: Michael Lynch

Email: Michael.Lynch@jfs.ohio.gov **Phone:** 614-466-4605

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 10/2/2018
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** SB 70 - 132 - Senator Coley
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3125.25
5. **What statute(s) does the rule implement or amplify?** 3125.03, 3125.25
6. **What are the reasons for proposing the rule?**

Five year rule review and to comply with Senate Bill 70, 132nd G.A.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule 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.

Changes to the rule include: revising the JFS 07771, JFS 07774, and JFS 07782 effective dates, and correcting the JFS 07771 form title.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more dated references to an ODJFS form or forms. Each cited ODJFS form is dated and is generally available to persons affected by this rule via the "Info Center" link on the ODJFS web site (<http://jfs.ohio.gov/>) in accordance with ORC 121.75(E).

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 121.76(A)(3).

- 10. 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

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

No fiscal effects expected on current or future budgets.

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

No costs of compliance.

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

III. Common Sense Initiative (CSI) Questions

- 15. Was this rule filed with the Common Sense Initiative Office? No
- 16. 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

ACTION: Original

DATE: 10/02/2018 1:19 PM

<County_Name> County CSEA
 <CSEA_Address 1>
 <CSEA_Address 2>
 <CSEA_City>, <CSEA_State> <CSEA_ZIP>

Telephone Number: <CSEA_Local_Phone_No>
 Toll Free Number: <CSEA_800_No>
 Fax Number: <CSEA_Fax_No>
 CSEA Website: <County_Website>

Ohio Department of Job and Family Services
CSEA ADMINISTRATIVE ORDER
ESTABLISHMENT OF PATERNITY

Case Number: <CASE_NO>

	Address:	Social Security Number and Date of Birth:
Name of Alleged Father: <PPF_NAMEF> <PPF_NAMEM> <PPF_NAMEL> Alleged Father's Place of Birth: <DATA_ENTRY1>	<PPF_ADDR1> <PPF_APT_NO> <PPF_ADDR2> <PPF_CITY>, <PPF_ST> <PPF_ZIP> <PPF_CNTRY>	SSN: <PPF_SSN> Date of Birth: <PPF_DOB>
Name of Mother: <MOTHER_NAMEF> <MOTHER_NAMEM> <MOTHER_NAMEL>	<MOTHER_ADDR1> <MOTHER_APT_NO> <MOTHER_ADDR2> <MOTHER_CITY>, <MOTHER_ST> <MOTHER_ZIP> <MOTHER_CNTRY>	SSN: <MOTHER_SSN>
Name of Child: <CHILD_NAMEF> <CHILD_NAMEM> <CHILD_NAMEL> Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	<OBLIGEE_ADDR1> <OBLIGEE_APT_NO> <OBLIGEE_ADDR2> <OBLIGEE_CITY>, <OBLIGEE_ST> <OBLIGEE_ZIP> <OBLIGEE_CNTRY>	Date of Birth: <Child_DOB>

The results of the genetic testing performed upon the child, the mother, and the alleged father indicate that there is a probability of <GT_Prob_Figure> percent that the above-named man is the father of the minor child. A copy of the results is attached to this order and incorporated by reference. Pursuant to Ohio Revised Code section 3111.46, the Administrative Officer therefore finds that the man is the natural father of the child born <Child_DOB> to the mother.

It is therefore ordered that a father and child relationship exists between the man and the child named above.

The Ohio Department of Health is ordered to:

- ☐ Modify the child's birth record in accordance with the JFS 04070, "Addendum to the Administrative Order to Modify the Birth Record – Child's Surname" as attached hereto and incorporated by reference herein.
☐ Modify the child's birth record to reflect the father's information as provided above.

OR

- ☐ No addendum is attached and no changes to the birth record are ordered.

You are hereby notified that either the mother, the father, the guardian, or legal custodian of the child may object to this administrative determination of the existence of the parent and child relationship by bringing an action pursuant to sections 3111.01 to 3111.18 of the Revised Code in the juvenile court or other court with jurisdiction in the county which the child support enforcement agency (CSEA) that employs the Administrative Officer is located within fourteen (14) days of the date of this administrative order. If neither the mother, the father, nor the guardian or legal custodian of the child brings an action within the fourteen (14) day period, this administrative order is final and enforceable by a court and may not be challenged in an action or proceeding under Chapter 3111. of the Revised Code. If a court action is requested, a copy of the request shall be presented to the CSEA. Indigent persons may petition the court for appointed counsel.

Pursuant to Ohio Revised Code section 3109.042, unless a court order is issued, an unmarried mother is the sole residential parent and legal custodian of the child. However, the natural father has the right to petition a court for an order granting him reasonable visitation and to petition the court for custody of the child. The mother and father will stand equal before the court for these determinations.

 Administrative Officer County CSEA

 Date

<CSEA_Name> County CSEA
 <CSEA_Address 1>
 <CSEA_Address 2>
 <CSEA_City, State ZIP>

Telephone Number: <CSEA_Local_Phone>
 Toll Free Number: <CSEA_800_No>
 Fax Number: <CSEA_Fax_No>
 CSEA Website: <County_Website>

Ohio Department of Job and Family Services

**NOTICE OF ADMINISTRATIVE
 HEARING TO ESTABLISH A SUPPORT ORDER**

Case Number: <Case Number>

TO: and
 <OBLIGOR_NAMEF> <OBLIGOR_MI> <OBLIGEE_NAMEF> <OBLIGEE_MI>
 <OBLIGOR_NAMEL> <OBLIGEE_NAMEL>
 <OBLIGOR_ADDR1> <OBLIGOR_APT_NO> <OBLIGEE_ADDR1> <OBLIGEE_APT_NO>
 <OBLIGOR_ADDR2> <OBLIGEE_ADDR2>
 <OBLIGOR_CITY>, <OBLIGOR_ST> and ZIP <OBLIGEE_CITY>, <OBLIGEE_ST> <OBLIGEE_ZIP>
 <OBLIGOR_CNTRY> <OBLIGEE_CNTRY>

You are hereby notified that an Administrative Hearing to determine the amount of child support and the method of payment of child support has been scheduled for <date> at <time> <AM or PM> at <County> CNTY CHILD SUPPORT <address> <city, state, zip>

The parents shall provide the child support enforcement agency, not later than the date scheduled for formally beginning the administrative hearing, all of the following:

1. A copy of each parent's most recently filed federal income tax return and all supporting schedules and documents;
2. A copy of all pay stubs obtained by each parent within the immediately preceding six months;
3. A copy of all other records evidencing the receipt of any other salary, wages, or compensation by each parent within the immediately preceding six months;
4. A list of the group health insurance and health care policies, contracts, and plans available to each parent and their costs;
5. The current health insurance or health care policy, contract, or plan under which each parent is enrolled and its cost;
6. If either parent is a member of the uniformed services and is on active military duty, a copy of the parent's leave and earnings statement;
7. Any other information/documentation necessary to properly establish the child support order.

Each person named above must appear at the hearing and will be allowed to present evidence proving or disproving allegations of income, wages, or assets and any other sources of information used to establish the amount a parent must pay for child support.

Each person named above will be allowed to bring a personal representative to the Administrative Hearing.

Pursuant to section 3119.72 of the Revised Code, if either parent fails to provide the requested information, the child support enforcement agency (CSEA) may request the court of appropriate jurisdiction of the county in which the agency is located to issue an order requiring the parent to provide the information as requested, or make reasonable assumptions regarding the information the parent failed to provide, and proceed with the determination of support as if all requested information had been provided.

The Administrative Hearing is scheduled for a date no later than sixty days of the latest of: the IV-D application for services being submitted to the CSEA, the IV-D referral being received by the CSEA, or after the issuance of an Administrative Paternity Order, and no earlier than thirty days after the date the Administrative Officer gives each parent notice of the Administrative Hearing.

This Administrative Hearing is being scheduled in accordance with sections 3111.29, 3111.78 or 3111.80 of the Ohio Revised Code.

<Date>

<Administrative Officer>

ACTION: Original

DATE: 10/02/2018 1:19 PM

<CSEA_Name> County CSEA
 <CSEA_Address 1>
 <CSEA_ADDR2>
 <CSEA_City>, <CSEA_State> <CSEA_ZIP>

Telephone Number: <CSEA_Local_Phone_No>
 Toll Free Number: <CSEA_800_No>
 Fax Number: <CSEA_Fax_No>
 CSEA Website: <County Website>

Ohio Department of Job and Family Services

CSEA ADMINISTRATIVE ORDER**NON-EXISTENCE OF FATHER AND CHILD RELATIONSHIP**

Case Number: <CASE_NO>

Name of Alleged Father:	<PPF_NAMEF><PPF_NAMEM> <PPF_NAMEL>		
Name of Mother:	<MOTHER_NAMEF> <MI><MOTHER_NAMEL>		
Name of Child: Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	<CHILD_NAMEF><MI> <CHILD_NAMEL>	Date of Birth:	<Child_DOB>

The results of the genetic testing performed upon the child, the mother, and the alleged father indicate that the alleged father can be excluded as a possible father of the child. A copy of the results is attached to this order and incorporated by reference. Pursuant to Ohio Revised Code 3111.46, the Administrative Officer therefore FINDS that the alleged father is NOT the natural father of the child born <Child_DOB> to the mother.

It is THEREFORE ORDERED that a father and child relationship does not exist between the alleged father and the child born on <Child_DOB>, to the mother.

As a result of the exclusion, the child support enforcement agency (CSEA) has determined that:

- ☐ The excluded father's name appears on the child's birth record and is hereby ordered to be removed pursuant to section 3111.58 of the Revised Code.
- ☐ The excluded father's name does not appear on the child's birth record and no changes to the child's birth record are ordered.

You are hereby notified that either the mother, or the alleged father or the guardian or legal custodian of the child may object to this administrative determination of the non-existence of the parent-child relationship by bringing an action within fourteen days of the date of the administrative order indicated below in the juvenile court or other court with jurisdiction in the county which the CSEA that employs the Administrative Officer is located. If neither the mother nor the alleged father nor guardian nor legal custodian brings an action within the fourteen (14) day period, this administrative order is final and enforceable by a court and may not be challenged in an action or proceeding under Chapter 3111. of the Revised Code. If a court action is requested, a copy of the request shall be presented to the CSEA. Indigent persons may petition the court for appointed counsel.

 Administrative Officer

<CSEA_NAME> County CSEA

 Date

Distributed to:
 CSEA
 Mother
 Alleged Father
 CTA/CTR