

## 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. L2-01 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?** No

**A. What is the rule's five year review date?** 2/11/2024

**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?** 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?**

To correct spelling on two words in the rule and to update the effective date of three of the JFS forms.

**7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The 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. The rule is being

amended to correct the spelling of "division" in the first paragraph, to revise the review dates in three of the forms and to correct the spelling in the JFS 08079 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 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).

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).

- 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 new costs.

- 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

Ohio Department of Job and Family Services

## INSTRUCTIONS FOR COMPLETING THE JFS 04070, ADDENDUM TO THE ADMINISTRATIVE ORDER TO MODIFY THE BIRTH RECORD – CHILD SURNAME

**PURPOSE:** The JFS 04070, "Addendum to the Administrative Order to Modify the Birth Record – Child Surname", is a voluntary form that may be completed by an alleged father and natural mother when they agree to change the child's surname (**last name**) as part of the administrative order establishing a father and child relationship, the JFS 07774, "CSEA Administrative Order Establishment of Paternity", hereafter administrative order. If the parties are in agreement, this form must be completed by both parties, notarized and returned to the child support enforcement agency (CSEA) prior to the issuance of the administrative order. By completing this form, you are only indicating that the child's surname (**last name**) will be changed if the genetic testing determines that a father and child relationship exists.

**NOTE:** This is the only opportunity the parties will have to change the child's surname through the CSEA. If this form is not completed prior to the issuance of the administrative order, the CSEA **will not** change the surname of the child and the parties would need to petition the court to change the surname of the child.

**MAKE SURE ALL HANDWRITTEN INFORMATION IS PRINTED CLEARLY IN BLUE OR BLACK INK.**

<b>SECTION A:</b>	Enter the support enforcement tracking system (SETS) Case Number for the parties for the child in reference.  Enter the child's first, middle and last name.
<b>SECTION B:</b>	Letters of the alphabet, hyphens, apostrophes and spaces are the only characters that will be recognized on an official birth record. Limit of 50 characters.  If the child's last name should also include a suffix please print the suffix on the suffix line. Suffixes accepted include Jr., Sr, and, I through XXV.  Beginning with box #1 begin printing the child's new <b>last name</b> exactly as you wish for it to appear on their official birth record. Any spaces or accepted characters in the numbered boxes will be reflected on the child's birth record.  <b><u>NAMES LONGER THAN 25 CHARACTERS:</u></b> If the child's <b>last name</b> is more than 25 characters long continue on to box #26. Only use spaces or special characters in the numbered boxes if you intend for them to be part of the child's last name on their official birth record.
<b>SECTION C:</b>	The mother and alleged father will need to print their name and the county that ordered the testing. The mother and alleged father will need to sign and date the addendum in front of a Notary Public.

<County\_Name> County CSEA  
 <CSEA\_Address\_1>  
 <CSEA\_Address\_2>  
 <CSEA\_City>, <CSEA\_State> <CSEA\_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

## WAIVER OF SERVICE OF NOTICE AND ORDER TO APPEAR FOR GENETIC TESTING

Date: <Print\_Date> Case: <CASE\_NO>

Alleged Father: <PPF\_NAMEF> <PPF\_MI> <PPF\_NAMEL>  
 Mother: <MOTHER\_NAMEF> <MOTHER\_MI> <MOTHER\_NAMEL>

I understand that a request has been made to determine the existence of a father and child relationship between the child(ren) named below and the alleged father and genetic tests are being conducted pursuant to section 3111.41 of the Revised Code to determine paternity.

Child(ren)	Date(s) of Birth
<CHILD_NAMEF> <CHILD_MI> <CHILD_NAMEL>	<Child_DOB>
<CHILD_NAMEF> <CHILD_MI> <CHILD_NAMEL>	<Child_DOB>
<CHILD_NAMEF> <CHILD_MI> <CHILD_NAMEL>	<Child_DOB>
<CHILD_NAMEF> <CHILD_MI> <CHILD_NAMEL>	<Child_DOB>
<CHILD_NAMEF> <CHILD_MI> <CHILD_NAMEL>	<Child_DOB>

I have previously received a copy or have been provided a copy today of the JFS 07754, "Notice of Request for Paternity Determination and Order to Appear for Genetic Tests," and I voluntarily waive the right to receive the JFS 07754 by certified mail.

I understand that if the results of the genetic tests indicate a probability of 99% or greater that the alleged father is the natural father of the child, the Child Support Enforcement Agency (CSEA) will issue an administrative order stating that the alleged father is the natural father. The CSEA will then schedule a hearing to determine the amount of support each parent is required to pay for the maintenance of the child(ren).

I understand that both parents are responsible for the support and maintenance of the child(ren).

\_\_\_\_\_  
 Alleged Father's Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Mother's Signature

\_\_\_\_\_  
 Date