

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: December 30, 2013

TIME: 10:00 a.m.

LOCATION: Rhodes State Office Tower, 30 East Broad St., Room 3110B, Columbus, Ohio 43215

Pursuant to sections 3111.34, 3111.35, 3111.611, 3111.67 and 3125.25 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the adoption, amendment and rescission of the rules as identified below and of a public hearing thereon.

The following Ohio Administrative Code (OAC) rules are being proposed for rescission as a result of a review conducted in accordance with section 119.032 of the Revised Code (ORC), which requires five-year reviews of all state agency rules:

- Rule 5101:12-40-05, "Determination of the existence or non-existence of a father and child relationship," describes the terms used throughout division 5101:12 of the Administrative Code, and describes when a child support enforcement agency (CSEA) will determine the existence or non-existence of a father and child relationship. This rule is being rescinded and is being replaced with the same rule number and title because more than fifty percent of this rule is being stricken and a comparable amount of new text is being added.
- Rule 5101:12-40-15, "Acknowledgement of Paternity," describes the process to allow parties to voluntarily sign an acknowledgment of paternity affidavit. This rule is being rescinded and is being replaced with the same rule number and title because more than fifty percent of this rule is being stricken and a comparable amount of new text is being added.
- Rule 5101:12-40-17, "Rescinding an acknowledgment of paternity," describes the processes by which an acknowledgment of paternity affidavit may be rescinded by an action initiated at the CSEA or by one of the parties filing an action in court. This rule is being rescinded and is being replaced with the same rule number and title because more than fifty percent of this rule is being stricken and a comparable amount of new text is being added.
- Rule 5101:12-40-20.1, "Scheduling and conducting genetic tests," describes the procedures for scheduling and conducting genetic testing to determine the existence or non-existence of a father and child relationship. This rule is being rescinded and is being replaced with the same rule number and title because more than fifty percent of this rule is being stricken and a comparable amount of new text is being added.
- Rule 5101:12-40-20.2, "Administrative paternity orders," describes the procedures for issuing an administrative paternity order upon the receipt of genetic testing results. This rule is being rescinded and replaced by a new rule 5101:12-40-20.3, but with the same title because more than fifty percent of this rule is being stricken and a comparable amount of new text is being added.
- Rule 5101:12-40-27, "Modifying the birth record," describes the procedure for modifying the birth record as a result of issuing an administrative order finding paternity or non-paternity. This rule is being rescinded and replaced by a new rule 5101:12-40-20.2, but with a different title because more than fifty percent of this rule is being stricken and a comparable amount of new text is being added.
- Rule 5101:12-40-30, "Central paternity registry," describes the responsibilities of the Central Paternity Registry (CPR) and what type of data is required to be maintained in the birth registry. This rule is being rescinded and is being replaced with the same rule number and title because more than fifty percent of this rule is being stricken and a comparable amount of new text is being added.

The following new rules are being proposed to replace rescinded rules:

- Rule 5101:12-1-99, "Chapter 5101:12-1 forms – Ohio support enforcement program," is a new rule that 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 5101:12-1 of the Administrative Code.
- Rule 5101:12-40-05, "Determination of the existence or non-existence of a father and child relationship," describes the terms used throughout division 5101:12 of the Administrative Code and describes when a CSEA will determine the existence or non-existence of a father and child relationship. Changes from the rescinded rule include: a list of the forms with a description of each that may be used in the administrative paternity process.
- Rule 5101:12-40-15, "Acknowledgment of paternity," describes the process to allow parties to voluntarily sign an acknowledgment of paternity affidavit. Changes from the rescinded rule include: clarified the responsibility of the CSEA regarding the determination of whether there is a presumed father prior to notarizing the acknowledgment of paternity affidavit.
- Rule 5101:12-40-17, "Rescinding an acknowledgment of paternity," describes the processes by which an acknowledgment of paternity affidavit may be rescinded by an action initiated at the CSEA or by one of the parties filing an action in court. Changes from the rescinded rule include: clarified the responsibility of the CSEA when one of the parties fails to submit to genetic testing resulting in an inconclusive administrative order.
- Rule 5101:12-40-20.1, "Scheduling and conducting genetic tests," describes the procedures for scheduling and conducting genetic testing to determine the existence or non-existence of a father and child relationship. Changes from the rescinded rule include: changes to the process of modifying the child's surname as part of the administrative order, changes to the waiver of service of process allowing the CSEA to use its own form with defined elements.
- Rule 5101:12-40-20.2, "Agreement to modify the child's surname," describes the process the parties must follow if they agree to change the child's surname as part of the administrative order. Changes from the rescinded rule include: the process to change the child's surname has changed and clarified language; the new process requires that the parties must agree to the changing of the child's surname prior to the issuance of the administrative order establishing paternity as this agreement will be incorporated by reference in the administrative order. This rule replaces rescinded rule 5101:12-40-27.
- Rule 5101:12-40-20.3, "Administrative paternity orders," describes the process for issuing an administrative order establishing the existence or non-existence of a child and father relationship. Changes to the rescinded rule include: clarified the actions to be taken upon the issuance of an administrative order, and added the process to be followed when the parties agree to change the child's surname to incorporate it by reference in the administrative order. This rule replaces rescinded rule 5101:12-40-20.2.
- Rule 5101:12-40-30, "Central paternity registry," describes the responsibilities of the Central Paternity Registry (CPR) and what type of data is required to be maintained in the birth registry. Changes from the rescinded rule include: clarification of the processes to be taken for the different documents the CPR receives.
- Rule 5101:12-40-99, "Chapter 5101:12-40 forms–paternity establishment," is a new rule that 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 following rules are being proposed for amendment as a result of a review conducted in accordance with section 119.032 of the Revised Code (ORC), which requires five-year reviews of all state agency rules:

- Rule 5101:12-1-85, "Statewide Genetic Testing Contract," describes the statewide contract for genetic testing that the Ohio Department of Job and Family Services (ODJFS) may enter into with a laboratory that performs genetic testing. Revised paragraph (C)(2) to correct the rule reference.
- Rule 5101:12-40-01, "Distribution of paternity acknowledgment," describes the responsibility of the office of child support (OCS) to develop and disseminate a paternity establishment brochure and acknowledgment of paternity affidavit. The rule was amended to revise paragraph (A) for clarity.
- Rule 5101:12-40-10, "Presumption of paternity," describes when a man is presumed to be the father of a child. Revised paragraph (A)(5) to update the effective date of the form.
- Rule 5101:12-40-36, "Reimbursement for cost of genetic testing," describes when and from whom the CSEA may seek reimbursement for the costs of genetic testing. The rule was amended to revise paragraph (A)(3) for clarity.

Copies of the proposed rules are available, without charge, to any person affected by the rules at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>.

A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal Services and Acquisition, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.