

OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: 03/07/2023**TIME: 10:00 AM****LOCATION: Teleconference**

Due to COVID-19 precautions this meeting will be held by teleconference. If you would like to submit oral testimony, please call in at the date and time to 1-614-721-2972. Then enter the meeting I.D # which is 261 998 25#. Written testimony may also be submitted electronically to: rule@jfs.ohio.gov

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

The following rule of the Ohio Administrative Code (OAC) is being proposed for amendment as a result of a review conducted in accordance with section 106.03 of the ORC, which requires five-year reviews of all state agency rules.

- Rule 5101:12-30-10, "Service of process," describes the statutory steps a child support enforcement agency (CSEA) is required to take to ensure service of process is accomplished in accordance with Ohio Rules of Civil Procedure. The rule is being amended to incorporate a procedure for waiving service in accordance with Rule 4.7 of the Rules of Civil Procedure. Other revisions to the rule include clarifications about: performing service of process on caretaker participants; handling commercial carrier mail that is unclaimed; and the requirement for a CSEA to update the Support Enforcement Tracking System (SETS) with all case actions related to service of process.

The following rule is being adopted.

- Rule 5101:12-30-99, "Chapter 5101:12-30 forms – administrative procedure," contains a compilation of forms with their effective or revised effective date, referenced within the rules contained within division 5101:12 of the OAC, but first cited within Chapter 5101:12-30 of the OAC. The rule is being adopted to add the waiver of service forms, the JFS 01715 and JFS 01716.

The following rules are being amended for clarity.

- Rule 5101:12-40-05, "Determination of the existence or non-existence of a father and child relationship," describes the requirements for a CSEA to determine the existence or non-existence of a father and child relationship. This rule includes terms, definitions, and forms that apply throughout division 5101:12 of the Administrative Code. The rule is being amended to describe the expanded use of the JFS 01716, and to clarify that a caretaker participant may complete the form.
- Rule 5101:12-40-20.1, "Scheduling and conducting genetic tests," describes the process the CSEA shall follow when scheduling and conducting genetic tests to determine the existence or non-existence of a father and child relationship. Changes to the rule include clarifications about: performing service of process of the genetic testing order on caretaker participants; providing copies of the JFS 01716 to a party when waiving service of process; and the requirement of a CSEA to model an agency-created waiver of service form after the form appended to Rule 4.7 of the Rules of Civil Procedure.
- Rule 5101:12-40-99, "Chapter 5101:12-40 forms – paternity establishment," 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 JFS 01716 is being removed from this rule and added to the new rule 5101:12-30-99 of the OAC.

- Rule 5101:12-45-05.1, "Scheduling the administrative support hearing," describes the process when scheduling an administrative support hearing. Clarifications to the rule include: the ability of case participants to appear before the CSEA in person, telephonically, or virtually; providing the JFS 01715 to the parties when waiving service of process; and the requirement of a CSEA to model an agency-created waiver of service form after the form appended to Rule 4.7 of the Rules of Civil Procedure. The rule is also being amended to include a procedure for a CSEA to dismiss an administrative support hearing when the CSEA is prohibited by law from conducting the hearing.
- Rule 5101:12-45-99, "Chapter 5101:12-45 forms – support establishment," contains a compilation of forms with their effective or revised effective date, referenced within various rules contained within division 5101:12 of the Administrative Code, but first cited within Chapter 5101:12-45 of the Administrative Code. Changes to this rule include the removal of the JFS 01715 to be added to the new rule 5101:12-30-99 of the OAC, and the addition of two new forms – the JFS 01717 and JFS 01718 – to this rule.

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 copies 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 and Acquisition Services, 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.