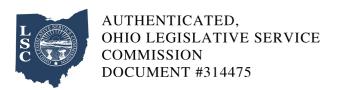# Ohio Administrative Code

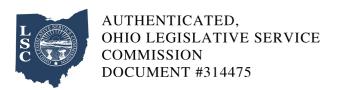## Rule 5101:12-40-15 Acknowledgment of paternity.

Effective: January 15, 2024

(A) The mother of a child and a man alleging himself to be the natural father of the child may sign a JFS 07038, "Acknowledgment of Paternity Affidavit" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code) acknowledging that the child is the child of the man that signed the acknowledgment. In accordance with section 3111.23 of the Revised Code, a JFS 07038 may be filed with the central paternity registry (CPR)as follows:

(1) The natural mother, the man acknowledging that he is the natural father, or the other custodian or guardian of a child may file the JFS 07038 by mail or in person ;

(2) A local registrar of vital statistics pursuant to section 3705.091 of the Revised Code may file the JFS 07038 electronically, in person, or by mail; or

(3) A hospital staff person pursuant to section 3727.17 of the Revised Code may file the JFS 07038 electronically, in person, or by mail.

(B) Each signature in the JFS 07038 is to be notarized or witnessed by two adult witnesses. The mother and the man acknowledging that he is the natural father may sign and have the signature notarized or witnessed outside of each other's presence.

(C) When the mother and man alleging himself to be the natural father sign the JFS 07038 at the CSEA they may have their signatures notarized outside of each other's presence. The CSEA is to provide a notary public to notarize or two adult witnesses to witness the JFS 07038. Prior to notarizing the JFS 07038 the CSEA is to determine whether there is a man presumed to be the father of the child or if the child is subject to a known existing final and enforceable determination of paternity. Resources for determining the existence of a presumed father or final and enforceable determination of paternity include, but are not limited to:

(1) The integrated perinatal health information system (IPHIS);

(2) Paternity information in the statewide automated eligibility system;

(3) CPR; and

(4) The support enforcement tracking system (SETS).

(D) No later than ten days after a JFS 07038 has been signed and notarized at the CSEA, the CSEA is to send or transmit electronically the JFS 07038 to the CPR.

(E) When the CSEA knows a man is presumed to be the father of a child and that a man other than the presumed father signed the JFS 07038 with respect to the child, the CSEA will not notarize the JFS 07038 or send the JFS 07038 to the CPR. The CSEA is to inform the parties seeking to notarize the affidavit that the CSEA cannot complete the notarization and will inform the parties of their right to establish paternity through the administrative process as described in rule 5101:12-40-20 of the Administrative Code and its supplemental rules.

(F) When the CSEA determines the child is subject to an existing final and enforceable determination of paternity as described in paragraph (A)(6) of rule 5101:12-40-05 of the Administrative Code, the CSEA is to inform the parties seeking to notarize the affidavit that the CSEA cannot assist the parties in establishing paternity as a final and enforceable determination of paternity already exists.

(G) The CSEA will not initiate action to overturn or withdraw a JFS 07038 that has been filed with the CPR when a man presumed to be the father of a child was not the man who signed the JFS 07038. When one of the parties brings an action to rescind the JFS 07038, the CSEA will proceed as described in rule 5101:12-40-17 of the Administrative Code.

(H) In accordance with section 3111.25 of the Revised Code, a JFS 07038 is final and enforceable without ratification by a court when the JFS 07038 has been filed with the CPR, the information on the JFS 07038 has been entered in the birth registry, and the JFS 07038 has not been rescinded and is not subject to rescission as described in paragraph (C) of rule 5101:12-40-17 of the Administrative Code.

In accordance with section 3111.821 of the Revised Code, a JFS 07038 that has not become final is to be considered final as of the date of the issuance of an administrative support order and neither party to the administrative order raised the issue of the existence or non-existence of a father and child relationship.

(I) When the JFS 07038 becomes final and enforceable, the man who signed the JFS 07038 assumes the parental duty of support.