Ohio Administrative Code

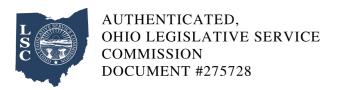## Rule 5101:12-45-05.2 Conducting the administrative support hearing.

Effective: March 28, 2019

(A) In accordance with sections 3111.82 and 3111.821 of the Revised Code, when an administrative child support hearing is held and there is not a final and enforceable determination of paternity, the parties may raise the issue of the existence or nonexistence of a father and child relationship. The administrative officer shall treat the issue as a request made pursuant to rule 5101:12-40-20 of the Administrative Code and determine the issue in accordance with that rule and its supplemental rules.

(1) Circumstances in which paternity may be rebutted during an administrative support hearing include:

(a) Paternity is presumed pursuant to section 3111.03 of the Revised Code except that a presumption that is conclusive as provided in division (A) of section 3111.95 of the Revised Code cannot be rebutted; or

(b) An acknowledgment of paternity has been filed but has not become final.

If the parties raise the issue of the existence or nonexistence of a father and child relationship when an acknowledgment of paternity has been filed but is not final, the administrative officer shall treat it as a request to rescind the acknowledgment and proceed in accordance with rule 5101:12-40-17 of the Administrative Code.

(B) An administrative officer must be present to conduct the administrative child support hearing.

(C) Each person may bring a representative to the administrative child support hearing. The administrative officer may exclude any individual who is determined not to have a valid interest in the proceedings.

(D) The child support enforcement agency (CSEA) shall allow each person to present evidence

proving or disproving verifications and allegations of earnings, income, wages, or assets and any other information that may be used to establish the amount a parent should pay for support.

(E) The CSEA shall comply with the requirements contained in rules 5101:12-1-17 and 5101:12-45-10 of the Administrative Code when determining and setting child support amounts.

(F) At the conclusion of the administrative child support hearing, the administrative officer shall ensure that:

(1) A record of the proceedings, which includes copies of all documents and exhibits submitted, is compiled;

(2) The JFS 07719, "Administrative Order for Child Support and Medical Support" (effective or revised effective dates as identified in rule 5101:12-45-99 of the Administrative Code) is completed and issued to each person within five business days of the administrative child support hearing;

(3) A record of the administrative child support hearing is maintained in a manner that would make it acceptable and accessible for court use; and

(4) The support enforcement tracking system (SETS) is updated with the administrative support order information.