



Ohio Administrative Code

Rule 5101:12-45-05 Support order establishment.

Effective: February 11, 2019

(A) This rule and its supplemental rules describe the process for requesting and establishing a support order.

(B) In accordance with section 3103.031 of the Revised Code, each parent of a child assumes the parental duty of support of his or her minor child. The parental duty of support is established when:

(1) A man is presumed to be the natural father of the child in accordance with rule 5101:12-40-10 of the Administrative Code;

(2) There is a final and enforceable determination of paternity in accordance with rule 5101:12-40-05 of the Administrative Code;

(3) A woman is the biological mother of a child in accordance with section 3103.03 of the Revised Code;

(4) A man or woman adopts a minor child pursuant to Chapter 3107. of the Revised Code; or

(5) A man is required to be treated in law and regarded as the natural father of a child conceived as the result of artificial insemination pursuant to section 3111.95 of the Revised Code.

(C) In accordance with section 3125.36 of the Revised Code, a child support enforcement agency (CSEA) shall make available a IV-D application to all persons requesting a CSEA's assistance in establishing a support order. The CSEA shall proceed in accordance with this rule and its supplemental rules when a IV-D application as described in paragraph (A) of rule 5101:12-10-01.1 of the Administrative Code or a IV-D referral as described in paragraph (B) of rule 5101:12-10-01.1 of the Administrative Code has been completed and filed with the CSEA.

(D) The CSEA with administrative responsibility shall establish a support order for a child who



receives Ohio works first or medicaid.

(E) The CSEA shall:

(1) Schedule an administrative child support hearing when:

(a) A man is presumed to be the father of a child and the parent, guardian, or legal custodian of a child, or the person with whom the child resides contacts the CSEA to request assistance in obtaining an order for support.

(b) An acknowledgement of paternity is final and enforceable and the mother or other custodian or guardian of the child contacts the CSEA to request assistance in obtaining an order for support.

(c) The administrative officer issues a JFS 07774, "CSEA Administrative Order Establishment of Paternity" (effective or revised effective date as identified in rule 5101:12-40-99 of the Administrative Code).

(d) A duty of support otherwise exists as described in paragraph (B) of this rule.

(F) The CSEA shall establish a child support order or serve process necessary to begin action to establish a child support order within ninety days of locating the non-custodial parent. The determination of a father and child relationship is included in the ninety-day timeframe. The inability of the CSEA to complete service of process, which would preclude the establishment of a child support order, shall be documented to show that periodic repeated efforts to serve process were taken relative to the criteria defining diligent efforts described in rule 5101:12-30-10 of the Administrative Code.

(G) In child support cases needing support order establishment, regardless of whether the CSEA shall determine the existence or non-existence of the father and child relationship, action to establish support orders shall be completed from the date of service of process to the time of disposition within the following timeframes:

(1) Seventy-five per cent of all cases within six months; and



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(2) Ninety per cent of all cases within twelve months.