



## Ohio Administrative Code

### Rule 5101:12-70-05.5 Establishment of paternity in an intergovernmental case.

Effective: July 1, 2016

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(A) This rule describes the responsibilities that an initiating or responding child support enforcement agency (CSEA) has to establish paternity in intergovernmental cases. When a determination of paternity has been made pursuant to the laws of another jurisdiction, that determination must be recognized in Ohio, and the issue of paternity may not be re-litigated or used as a defense to an action brought pursuant to section 3115.315 of the Revised Code.

(B) Paternity may be established either by:

(1) Using long arm jurisdiction, or

(2) Sending a Uniform Interstate Family Support Act (UIFSA)(2008) petition that requests the establishment of paternity from the initiating CSEA to an interstate central registry (ICR) in a responding state or to the central authority in another country or tribe.

(C) The initiating CSEA shall determine whether long arm jurisdiction shall be used to establish paternity. The CSEA and its legal staff should carefully consider the facts of a case to determine whether one of the conditions described in Ohio's long arm statute exists. Long arm jurisdiction may exist over a party living outside the state of Ohio if one or more conditions described in section 3115.201 of the Revised Code apply.

(1) When it determines that long arm jurisdiction exists and that its use is appropriate, the CSEA shall establish paternity pursuant to Chapter 5101:12-40 of the Administrative Code and shall not initiate a UIFSA petition to the state where the other party resides. The CSEA may also use OMB 0970-0085 "Transmittal #3 - Request for assistance/discovery" to request assistance with service of process or genetic testing from the child support agency in the other state, if necessary; or

(2) When it determines that long arm jurisdiction does not exist or would be inappropriate, the CSEA shall initiate a UIFSA petition to the ICR in the state, or to the central authority of another country or



tribe, where the other party resides within twenty days of determining that the other party resides in another jurisdiction.

(D) A responding CSEA has the following responsibilities:

(1) Immediately upon receipt from the Ohio ICR of a UIFSA petition that requests the establishment of paternity:

(a) Verify the residence address of the party who resides in Ohio;

(b) If necessary, transfer the UIFSA petition to the CSEA with administrative responsibility pursuant to rules 5101:12-10-03 and 5101:12-10-04 of the Administrative Code; and

(c) Establish paternity pursuant to section 3115.305 of the Revised Code;

(2) The responding CSEA that has administrative responsibility for the case shall take the following actions within seventy-five days of receipt of the UIFSA petition:

(a) Notify the child support agency in the initiating agency of any additional information needed to proceed with the case;

(b) Process the case to the extent possible pending receipt of the additional information needed from the child support agency in the initiating jurisdiction; and

(c) Complete the case intake process in the Ohio case registry, support enforcement tracking system (SETS), using information from the UIFSA petition and any information received from the child support enforcement network (CSENet) transaction.