

TUSCARAWAS COUNTY CHILD SUPPORT ENFORCEMENT AGENCY

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MEMORANDUM COURT ORDERED GENETIC TESTING & ORDERS OF PATERNITY

TO: JUDGES, MAGISTRATES AND MEMBERS OF THE BAR
FROM: TRACI A. BERRY, CSEA Director

The Ohio Department of Job and Family Services Office of Child Support has entered a new statewide contract for genetic testing beginning August 1, 2025. The new vendor is DNA Diagnostic Center (DDC). We have worked with DDC in the past and look forward to this partnership.

As a refresher on when a party who is requesting genetic testing must pay for testing and when the CSEA, through its contract, may do so at no cost for the parties, please see the below information.

Background- paternity

1. **Final and enforceable legal determinations of paternity (FEDP)**
 - A final administrative order of paternity (JFS 7774) based upon **genetic testing**, which becomes final if no objection is filed within 14 days of issuance.
 - A signed **Acknowledgment of Paternity** Affidavit (JFS 7038) 60 days after the last signature date.
 - In accordance with 3111.95, the husband of a married woman consented to artificial insemination.

- An administrative or court support order was issued based on a presumption and no one objected.
- A **court order** determined paternity or found that the child was born as product of the marriage and neither party objected.

Ohio Courts shall give Full Faith and Credit to FEPD paternity determinations established under the laws of other states/countries.

2. Legal presumptions of paternity

- Presumption based on the child being born within the parties' marriage or within 300 days of the parties' divorce or dissolution.
- A signed Acknowledgment of Paternity Affidavit (JFS 7038) **within 60 days** of the last signature date.
- Presumption based on an affidavit filed with the County Probate Court (*prior to 1/1/1998 only*).
- Presumption based on father being named on the child's birth certificate or certificate of live birth, if child was born between 6/24/1982 and 12/31/1997.
- Married woman subject of non-spousal artificial insemination where husband consented (ORC 3111.95).
- Married woman gives birth to child born as a result of embryo donation in which husband consented (ORC 3111.97).
 - Can be rebutted by evidence of lack of consent.

Court Ordered Genetic Testing

The State of Ohio, Office of Child Support and Department of Administrative Services, have implemented a single genetic testing vendor for the use of county CSEAs and their courts if testing is required pursuant to a IV-D contract.

SB 70, effective February, 2019, requires a IV-D application to be completed prior to the CSEA conducting genetic testing to establish paternity.

DDC is the single genetic testing vendor for county CSEAs.

OAC 5101:12-1-85- when will testing be free of charge to the parties, upon completion of a IVD application for services, and

ODJFS shall pay the cost of genetic testing performed under the contract when the cost of genetic testing for the case is eligible for federal financial participation (FFP) and:

- (1) There is not a final and enforceable determination of paternity, as described in paragraph (A)(6) of rule [5101:12-40-05](#) of the Administrative Code;
- (2) A [JFS 07038](#), "Acknowledgment of Paternity Affidavit" (effective or revised effective date as identified in rule [5101:12-1-99](#) of the Administrative Code), was signed by the mother and father and an action was filed to rescind the [JFS 07038](#) within

sixty days of the signing of the [JFS 07038](#), in accordance with paragraph (C) of rule [5101:12-40-17](#) of the Administrative Code; or

(3) There is a final and enforceable determination of paternity and:

- (a) An action was brought, pursuant to section 3111.28 of the Revised Code, by a man presumed to be the father of the child who did not sign the [JFS 07038](#), either person who signed the [JFS 07038](#), or a guardian or legal custodian of the child no later than one year after a [JFS 07038](#) becomes final to rescind the [JFS 07038](#) and the CSEA receives a court order to conduct genetic testing;
- (b) A court has ordered the CSEA to conduct genetic testing as a result of one of the parties filing a motion under rule 60(B) (7/1/1970) of the Rules of Civil Procedure; or
- (c) A person has filed a motion for relief from a determination of paternity or a support order in accordance with section 3119.961 of the Revised Code and:
 - (i) The CSEA has intervened in the action in order to defend the original paternity determination or the child support order; or
 - (ii) The CSEA receives a court order to conduct genetic testing.

The above rule raises two questions: (1) which cases are eligible for FFP and (2) what is a final and enforceable determination of paternity as set forth in OAC 5101:12-40-05(A)(6)?

Cases eligible for FFP

Cases in which a IV-D application or a combined application for IV-A or IV-E benefits has been received, a request for a parent-child relationship has been made and there is no final and enforceable determination of paternity, **or** a request to rescind an Acknowledgment of Paternity has been received prior to 60 days from the last signature; **or** an action has been commenced pursuant to Civ. R. 60(B), ORC 3111.28 or ORC 3119.961 and the CSEA has not previously conducted genetic testing on the same persons.

Cases ineligible for FFP

Cases in which no IV-D application has been made, and no IV-A or IV-E benefits are being received, a request for genetic testing has been made in a format other than outlined above, or a case in which CSEA has previously conducted genetic testing.

When must a party pay for genetic testing and what is the cost assessed to the party?

1. In any action commenced under ORC 3111.01-3111.18, the party requesting the genetic testing shall pay for the costs of the testing (see ORC 3111.09)
 - a. If the action is commenced to object to a CSEA determination of paternity or non-paternity based upon genetic testing conducted by the CSEA, the case is not eligible for FFP and the requesting party must pay the non-statewide contract rate of \$360.00 for 3 persons and an additional \$120 for each additional person in advance to CSEA scheduling the testing.
 - b. If the action is commenced as an initial action along with a request for allocation of parental rights and responsibilities per ORC 3111.381, and there is no final and enforceable finding of paternity, the requesting party must fill out a IV-D application and the court must order CSEA to conduct the testing.
 - i. If an action under 3111.01-3111.18 is commenced by the CSEA on behalf of a custodian of a child or the custodian of the child is a recipient of OWF (cash benefits), the CSEA shall pay the cost of the genetic testing, or
 - ii. If the court finds the Defendant indigent, the CSEA shall pay the cost of the genetic testing upon receipt of the court order making such determination (see OAC 5101:12-40-25)
 - c. If a party requests genetic testing (and does not complete a IV-D application) or a court orders genetic testing in any other circumstance (such as juvenile neglect or delinquencies cases where there is a final and enforceable finding of paternity, in response to a contempt action or upon a motion other than per Civ R 60(B), 3111.28, or 3119.961), the CSEA may still conduct genetic testing, but the requesting party must pay the non-statewide contract rate of \$120 per person prior to scheduling.

The above procedure is required by both the state and federal offices of child support which are mandated to monitor proper use of Title IV-D monies received by the state and local CSEAs. **Most persons will qualify for free genetic testing IF the proper motion is filed. CSEA must have a file-stamped copy of the proper motion (if available) and court order in its file to pass state and federal audits in this area.**

PLEASE NOTE “NO COST” GENETIC TESTING. THE COURT ORDER MUST CONTAIN THE “MAGIC LANGUAGE” (ie, cite to ORC 3111.28, 3119.961 or Civ R. 60(B) IN ORDER FOR THE DNA TO BE AT NO COST. COUNSEL OR THE COURT MUST DIRECT THE PERSON TO FILL OUT AN IV-D APPLICATION IF THERE IS NOT ONE ON FILE AT THE CSEA

Checks and/or Money Orders, if payment required, must be made payable to DDC.

Court Determinations of Paternity and changes to Birth Certificates

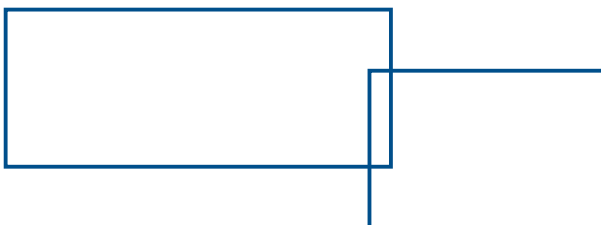
1. Upon receipt of court orders as noted above, the CSEA will schedule the parties to appear at the agency for genetic testing.
2. Upon receipt of test results, the CSEA will file a Notice to the Court and copy and attorneys.
3. The CSEA does not make the paternity determination for these cases.
4. The Court must issue an order based upon the test results determining:
 - a. Who is the natural and legal father or who is not the natural and legal father depending on the results.
 - b. If changes should be made to the child's birth certificate.
 - c. Send a certified copy of the court order and the HEA 3029 to the Central Paternity Registry to record the paternity finding and to forward to Department of Health for birth record changes.
 - d. Copy the CSEA on the entry.

Sample language:

"The Court hereby determines that Joe Smith is the natural and legal father of Taylor Jones, DOB 02/09/2018. The Ohio Department of Health is hereby ordered to add Joe Smith to the birth record of Taylor Smith as father".

"Based upon genetic testing, the Court hereby determines that Tom Jones is excluded as natural and legal father of Taylor Jones, and Joe Smith is found to be the natural and legal father of Taylor Jones, DOB 02/09/2018. The Ohio Department of Health is hereby ordered to remove Tom Jones from the birth certificate of Taylor Jones and to add Joe Smith as father and change the child's name from Taylor Jones to Taylor Marie Smith"

We are requesting your cooperation and understanding to ensure proper use of federal funding which benefits all persons in the child support program. Please contact me with any questions.



cc: Ryan Styer, Prosecutor