# INSTRUCTIONS FOR DECLARATION OF PATERNITY

**These instructions are intended as a guideline only and should not be relied upon as a comprehensive list of duties in declaring paternity.**

**Whenever an adult child is over the age of 23 and an Ohio birth certificate does not designate a father, a Joint Declaration must be filed in the county where the father lives, if the father is a resident of the State of Ohio. If the father is not a resident of the State of Ohio, he may also file the Joint Declaration in this county.**

**A filing fee is required at the time of filing. Current Court Costs are posted at: https://www.probatect.org/about/general-resources.**

Please confirm the amount with the Cashier since filing fees may have changed subsequent to the publication of this instruction sheet. **We accept cash, cashier's checks or all major credit/debit cards as payment for the fee. No personal checks or money orders will be accepted.**

**The forms may be obtained form the Issue Desk on the 9th floor of the Probate Court, 230 E. 9th Street, Cincinnati, Ohio or by downloading the forms from the web site.**

**STEP 1: Filing of the Application**

Self-Representation Form (270.01)

- Sign and Complete information if you **do not** have legal representation

After you fill out the Joint Declaration (H.C. 658.00), Order Affirming Joint Declaration (H.C. 659.00), and Supplemental Findings as to Birth Father (H.C. 623.07) take them to the Magistrate's Assistant at the Information Desk to have a magistrate assigned.
The child's birth certificate along with the genetic tests must be attached to the Joint Declaration.
Note: The child's birth certificate must show that no one has been designated as father.
The child and both parents must appear before the magistrate.
The magistrate will review the forms and approve the Entry if everything is correct.

**STEP 2: Filing of papers with Cashier**

The Joint Declaration, Order Affirming Joint Declaration, and Supplemental Findings as to Birth Father are taken to the cashier who will assign a case number.
At this time the cashier will require the payment of the filing fee.
The cashier at this time will retain all the original papers and certify the pleadings you need to send to Vital Statistics. There is a per entry charge after the first one.

You must send a certified copy of the order and payment (you will need to check with Vital Statistics for the current cost) for a new birth certificate to:

**Bureau of Vital Statistics**
**Ohio Department of Health**
**246 North High Street**
**P.O. Box 15098**
**Columbus, Ohio 43215-0098**

You should receive the new birth certificate in about 8 to 12 weeks.

Ralph Winkler
JUDGE, PROBATE COURT
HAMILTON COUNTY, OH

# A CITIZEN'S GUIDE TO COMMUNICATING WITH THE JUDGE AND MAGISTRATES

**Why can't I communicate directly with the judge or magistrate on my case?**

If the matters are contested, judges and magistrates are not allowed to communicate with individual parties. This is what the law calls an *ex-parte* communication (this is when a judge or magistrate only communicates with an individual party, on their own, without the knowledge of all parties to a case). In order to keep the court process as fair, equal and as transparent as possible, *ex-parte* communication is strictly forbidden. It is unfair for the court to share information without all of the parties present.

You cannot email the judge or magistrate, as the email is considered an *ex-parte* communication. In addition, emails are not pleadings (motions.) You cannot write a personal letter to the judge or magistrate as this may be considered an *ex-parte* communication.

**How can I speak to the judge or magistrate on my case?**

Typically, to speak to the judge or magistrate on your case, you must file a written motion with the court explaining what you want the court to do and all motions become part of the public record. You also have to send a copy of whatever you file to the other parties, or their attorney if they are represented by an attorney (this is called "service"). A motion is not considered an *ex-parte* communication because all parties are officially notified. You may be required to pay a filing fee when you file your written motion. Please note, there is no fee if you wish to speak to the magistrate in an uncontested matter, on their assigned walk-in days.

**I've heard there's always a magistrate on duty to hear arguments immediately – what does that mean?**

There is a magistrate on duty every business day. The on-duty magistrate may answer generic procedural questions. The on-duty magistrate may also discuss matters in an uncontested case. For all other matters, the on-duty magistrate is prohibited from speaking with you. To address the court for these matters, you must file a written motion. The on-duty magistrate will set the matter for hearing before the magistrate assigned on your case or the judge.

**What if I need to tell the judge or magistrate something I don't want the other party to know about?**

Unfortunately, you cannot withhold information from another party to your case. In order to keep the case fair to everyone involved, as soon as you tell the judge or magistrate something, you must also tell the other parties. All sides must have an opportunity to respond to the information that you have shared with the court.

**PROBATE COURT OF HAMILTON COUNTY, OHIO**
**RALPH WINKLER, JUDGE**

**IN THE MATTER OF: _____**

**CASE NO. _____**

# SELF-REPRESENTATION ACKNOWLEDGMENT

I acknowledge that I have read, understand and agree with all of the following statements:

1. The Court has recommended that I hire an attorney to represent me in this case. However, I have chosen to proceed with this case without the assistance of an attorney.

2. The Court and its Deputy Clerks are prohibited by law from providing legal advice. I will follow the instructions provided in the form packets and on the Court's website, www.probatect.org.

3. I am responsible for understanding and correctly applying any statutes, case law, rules, regulations, policies, and procedures that relate to this case, including, but not limited to, the Ohio Revised Code, Rules of Superintendence for the Courts of Ohio, Hamilton County Probate Court Local Rules of Practice, and the Ohio Rules of Civil Procedure.

4. The same standards that apply to attorneys and persons represented by attorneys in similar probate hearings will apply to myself.

5. If I do not fulfill my responsibilities in this case as required by law, I may be subject to sanctions or penalties as provided by law, which may include removal as fiduciary or being required to be represented by an attorney.

6. I may be personally liable to any person or entity that suffers damages as a result of anything I do or fail to do in this case that does not comply with the legal requirements.

_____
Fiduciary/Applicant/Guardian

_____
Typed Printed Name

_____
Address

_____
City/State/Zip

_____
Telephone Number (include area code)

_____
Email

**PROBATE COURT OF HAMILTON COUNTY, OHIO**
**RALPH WINKLER, JUDGE**

**IN THE MATTER OF THE DECLARATION OF** _____
Name of Alleged Father

**CASE NO.** _____

# JOINT DECLARATION
**[R.C. 2105.25]**

The Declarants jointly petition the Court for an order declaring _____
Name of Alleged Father

to be the father of _____, his adult child over the age 23.
Name of adult child

The Declarants further state:

That this request is made freely, and voluntarily by all parties before the Court;
that the adult child's birth certificate is attached and does not designate anyone as father;
that genetic, test results are attached and confirm this declaration;
that if the adult child's mother is unable to appear because of death or incompetence;
her death certificate or guardianship letters of authority are attached; and
that it is in the best interest of the man and adult child that this order issue.

| | |
|---|---|
| _____ | _____ |
| Signature of alleged Father | Signature of Adult Child |
| _____ | _____ |
| Printed Name of alleged Father | Printed Name of Adult Child |
| _____ | _____ |
| Address of alleged Father | Address of Adult Child |
| _____ | _____ |
| City, State, Zip Code | City, State, Zip Code |
| _____ | _____ |
| Telephone Number | Telephone Number |

_____
Signature of Mother of Child, if appearing

_____
Printed Name of Mother of Child, if appearing

_____
Address of Mother of Adult Child, if appearing

_____
City, State, Zip Code

_____
Telephone Number

**PROBATE COURT OF HAMILTON COUNTY, OHIO**
**RALPH WINKLER, JUDGE**

**IN THE MATTER OF THE DECLARATION OF** _____
Name of Alleged Father

**CASE NO.** _____

# ORDER AFFIRMING JOINT DECLARATION

**[R.C. 2105.26]**

Upon the appearance of the Joint Declarants and after hearing, the Court makes the following findings and orders:

There is no person designated as the father on the birth certificate of the adult child;

Genetic test results show that the man is the father of the adult child;

The joint declaration was freely and voluntarily requested; and,

It is in the best interests of the man and adult child that this order issue. The Court further orders that the birth certificate of _____ be changed to
Adult Child

designate _____ as the adult child's father. This order
Name of alleged Father

excludes child support.

_____
Ralph Winkler, Probate Judge

Approved:

_____
Alleged Father

_____
Adult Child

_____
Mother of Child, if appearing

**PROBATE COURT OF HAMILTON COUNTY, OHIO**
**RALPH WINKLER, JUDGE**

**IN THE MATTER OF** _____

**CASE NO.** _____

# SUPPLEMENTAL FINDINGS AS TO BIRTH FATHER

The Court makes the following findings with regard to the birth father which should have been given as of the time of the child's birth. Said findings shall be incorporated into the Court's Order herein.

## FATHER'S PERSONAL DATA

| | | |
|---|---|---|
| Full Name of Father (First, Middle, Last) | Place of Birth (State or Foreign Country) | |
| Date of Birth (Month, Day, Year) | Race (American Indian, Black, White, etc.) | |
| Origin or Descent (Italian, Mexican, German, English, etc.) | Of Hispanic Origin? Yes or No (if yes, specify) | |
| Usual Occupation | Kind of business or industry | Education (Highest grade completed) grades 1-12 or college 1-4 or 5 + |

_____
Ralph Winkler, Probate Judge/Magistrate

**PROBATE COURT OF HAMILTON COUNTY, OHIO**
**RALPH WINKLER, JUDGE**

**IN THE MATTER OF:** _____

**CASE NO.** _____

# SUPPORTING AFFIDAVIT

STATE OF _____
COUNTY OF _____ ss:

Being first duly sworn, _____ deposes and says that ___he is ___ years of age, that ___he has read the application and that ___he has personal knowledge of the facts stated therein by reason of being _____
(State relationship, if any, or state facts showing personal knowledge)
and that the statements made in the application are true as ___he verily believes.

_____
Signature of Affiant

_____
Address

Sworn to before me and subscribed in my presence this ____ day of _____.

_____
Notary Public