

# Legal Connections



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MARCH 4 - 17, 2022

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## FATHER'S RIGHTS IN OHIO: WHAT YOU NEED TO KNOW

According to the CDC, as well as various research institutes, the number of children born to unmarried parents is now 40%, an increase of over 50% since 1990. Ohio's custody laws are very different regarding such children, compared to custody laws for children born in a marriage.

In Ohio, when a child is born to married parents, both parents automatically have parenting rights to the child. When a child is born to unmarried parents, however, a biological father does not have any legal rights to the child until he seeks them through the juvenile court. By law, an unmarried mother is considered to be the sole legal custodian of the child, until the father establishes paternity and until he obtains a court order granting him custody or shared parenting.

It is a common misconception that a



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father's name being on a birth certificate confers custody rights to him when he is not married to the child's mother; however, this provides no custody rights whatsoever. Many fathers don't know this until they have a dispute with the child's mother, and they are surprised to learn that they need to take legal steps to have any custody rights to their son or daughter.

For fathers who are expecting a child with someone to whom they are not married, they can make plans during the pregnancy term and be ready to take legal action as soon as their child is born. While it is not possible to file a parentage or custody action with the court before the birth of the child, consulting with a lawyer during the pregnancy gives everyone time to come up with a plan that can be implemented as soon as the child is born.

Regardless of whether the parents have a good relationship, this is what an unmarried father must do to protect his rights and ensure a full parenting relationship with his child:

### Sign the Acknowledgement of Paternity.

Most hospitals will ask a father to sign an acknowledgment of paternity affidavit. While this does not give the father any custody rights, it is a legal acknowledgement of paternity.

### File a Shared Parenting Plan with the Court.

Even when a father trusts the child's mother, it is important to enter into a shared parenting plan that is filed with the court and made an order. That plan will give both parents legal rights and responsibilities regarding their child. It can take months to get even a temporary parenting schedule through the court if the relationship with the other parent deteriorates, so it is best to do this by

agreement if possible (or through the court if necessary).

### Financial Support.

Both parents have a legal obligation to support their child financially. If the parents are living together, they may agree to deviate the amount of child support to zero. If they are not, there would likely be a child support order. This order would include the sharing of work-related childcare expenses. There should also be an order for one of the parents to provide health insurance for the child.

It is better, if possible, for unmarried fathers to develop a plan with an attorney to establish parenting rights and responsibilities regarding the child, well before there is a dispute with the mother. But in any event, it is critical that fathers know their legal rights and take the necessary steps to legalize that parental relationship. ■

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## A PROPOSED NEW FINCEN RULE WOULD CREATE FILING REQUIREMENTS FOR MOST NEW AND EXISTING ENTITIES

On Dec. 7, 2021, the Financial Crimes Enforcement Network, a U.S. Treasury Department agency, issued a Proposed Rule, "Beneficial Ownership Information Reporting Requirements," under the Corporate Transparency Act. The CTA was part of the Anti-Money Laundering Act of 2020 and was intended to help "stop bad actors from using legal entities to hide illicit funds behind anonymous shell companies or other opaque corporate structures."

The Proposed Rule would require most new and existing "reporting companies" (and their "company applicants") to file reports with FinCEN. The comment period ended Feb. 7 with over 300 comments



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received. FinCEN is expected to issue its final rule later this year.

"Reporting companies" include corporations, limited liability companies and other similar domestic entities created by a filing with a secretary of state or similar office, and foreign entities registered in the U.S. The Proposed Rule exempts certain types of entities, including public companies, governmental

authorities, banks, credit unions, broker-dealers, investment companies, investment advisers, insurance companies and public accounting firms. Companies with at least 20 full-time U.S. employees would be exempt if they filed a federal tax return showing sales exceeding \$5,000,000.

A "beneficial owner" is any individual who, directly or indirectly, either (i) exercises "substantial control", such as senior officers and others with substantial influence, or (ii) owns or controls at least 25% of the "ownership interests", including through options, warrants and other rights and including through another entity. Minor children, nominees, custodians, agents, non-officer employees and creditors are generally exempt.

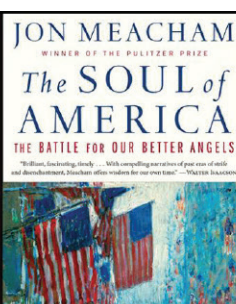
A "company applicant" includes the individual who files the document that formed or registered the entity and anyone else who directed or controlled that filing.

Initial reports include (i) the reporting company's name, address, state or jurisdiction and TIN, and (ii) each beneficial owner's and company applicant's name; birth date, address and

a unique identifying number from (and a picture of) a government-issued ID such as a passport or driver's license.

Once a final rule becomes effective, an existing reporting company would have one year to file its initial report, while a new reporting company would have only 14 days from its formation or U.S. registration. In addition, inaccuracies must be corrected within 14 days, and changes must be filed within 30 days.

A willful violation could include civil penalties up to \$500 per day and criminal penalties up to \$10,000 and/or imprisonment. Employers will want to pay close attention to the wording of the final rule and consult an attorney to be sure that they are complying with the reporting requirements. ■



## Live Event with Jon Meacham

March 10 • Columbus Convention Center or Zoom

Join us on March 10 to hear from Pulitzer Prize-winning author Jon Meacham. Learn how Meacham believes we can overcome the political and societal challenges of today by "finding our better angels" through deploying reason and understanding. This event is underwritten by the Columbus Bar Foundation. 1.0 CLE hour.

**MAR 10**  
3-4pm

## REGISTRATION:

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