

What is paternity?

Paternity means fatherhood. Establishing paternity gives your child a legal father.

When paternity is established, the father has:

- The right to have his name on the child's birth certificate.
- The right to parenting time with the child according to the Indiana Parenting Time Guidelines, unless a court rules otherwise.
- The responsibility to provide financial support for the child, including medical support.

Benefits of establishing paternity:

- Both parents can have a say in the naming of the child
- The child can receive certain benefits through the father, including insurance and inheritance.
- The child can receive financial support from both parents.
- The child can have access to the father's family medical history.

How is paternity established in Indiana?

By Paternity Affidavit

- At the hospital within the first 72 hours after the child's birth.
- At the local health department in the county where the child was born, before the child is emancipated, as long as no other father is listed on the birth certificate (*There may be a fee.*)

By Court Order

- One or both parents must file a paternity action in court.



If you are afraid to establish paternity because of domestic violence, contact the prosecutor's office or law enforcement.

More information and FAQs

childsupport.in.gov
vitalrecords.in.gov

For legal help, see local child support offices:

childsupport.in.gov/county
Indiana Bar Association (317) 639-5465
indianalegalservices.org
in.gov/judiciary/selfservice

Indiana Parenting Time & Child Support Guidelines

in.gov/judiciary/childsupport
Parenting Time Helpline (844) 836-0003
PTHelpline@dcs.in.gov

PT Guidelines

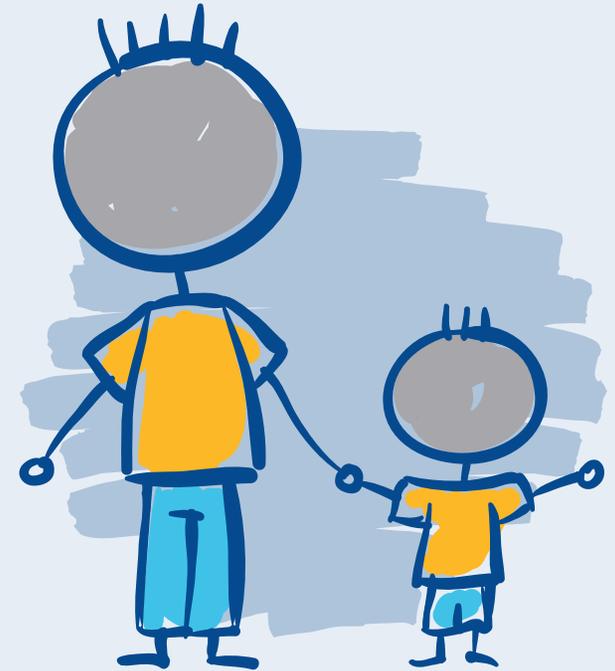
www.in.gov/courts/rules/parenting



State of Indiana
Department of Child Services
Child Support Bureau

www.IN.gov/dcs/support

The Indiana Department of Child Services does not discriminate on the basis of race, color, creed, sex, age, disability, national origin, or ancestry.
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Establishing Paternity in Indiana

This brochure explains the rights, responsibilities, and benefits of establishing paternity and tells you what you need to know before signing a Paternity Affidavit.

The Paternity Affidavit

Signing a Paternity Affidavit is **voluntary**.

Things to know before you sign...

Both parents must sign the Paternity Affidavit. Before signing, both parents must:

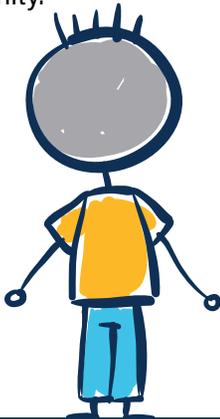
- Be given written and oral information about their alternatives, rights and responsibilities, and the effects of signing the affidavit.
- Be provided with an opportunity to review the information about paternity without the presence of the other parent.
- If the parent is younger than 18, they must be given a chance to consult with an adult before signing.

A Paternity Affidavit is legally binding. No further court action is required to establish paternity of the child.

Signing a Paternity Affidavit has legal consequences. You have the right to consult with an attorney first.

You have the right to obtain a genetic test.

- Don't sign a Paternity Affidavit if you are unsure about biological paternity.
- A woman who knowingly or intentionally falsely names a man as the child's biological father commits a Class A misdemeanor.



Custody

Physical custody identifies with whom the child resides. The mother automatically has physical custody of a child born to unmarried parents, unless a court orders otherwise.

Legal custody identifies who will make decisions about the child's education, health care, and religious training, as well as who has access to the child's school and medical records.

Joint Legal Custody

Parents share the legal custody rights. Parents can establish joint legal custody by:

- Completing Section F of the Paternity Affidavit; and
- Obtaining a genetic test from an accredited laboratory that shows the man is the biological father; and
- Submitting the test results to the local health department within 60 days of the child's birth.

If the parents fail to provide the genetic test results to the health department within 60 days of the child's birth OR the test proves the man is not the biological father:

- The man who signed the Paternity Affidavit is **still** the legal father of the child.
- The joint legal custody agreement is void.
- The mother has sole legal custody.

Rescinding (Canceling) a Paternity Affidavit and Disestablishing Paternity

In Indiana, a man has the right to rescind a Paternity Affidavit only within 60 days of the date it was signed and by filing an action in a court with paternity jurisdiction. After 60 days a court action is required, even if a genetic test later proves the man is the father.

A woman does not have the right to rescind a Paternity Affidavit after she has signed it.

The Title IV-D Child Support Program

Every prosecutor's office in Indiana operates a Title IV-D Child Support Program. Anyone can enroll at the prosecutor's office for these services:

- Establishing paternity, which includes genetic testing in appropriate cases
- Locating an absent parent
- Establishing a court order for the payment of child support and medical support
- Enforcing support orders

Parents receiving TANF benefits are required to cooperate with the prosecutor's office in establishing paternity and child support.