	INDIANA DEPARTMENT OF CHILD SERVICES **TITLE IV-D POLICY MANUAL**	
	Chapter 9: Paternity Establishment	**Effective Date: 10/28/2021**
	Section 2: Administrative Establishment of Paternity	**Version: Draft 2.1** **Revision Date: 09/23/2021**

BACKGROUND

The two (2) methods for establishing paternity in Indiana are by paternity affidavit and by court order.[1] Federal regulations require an expedited administrative process to establish paternity.[2] In Indiana, the paternity affidavit satisfies this requirement. A paternity affidavit may be executed through a hospital within 72 hours of the child's birth, at the local health department up to the child's emancipation, or upon marriage of the parents to each other.[3] The Title IV-D Prosecutor's Office may search and print paternity affidavits that were scanned after January 4, 2021, in Indiana Department of Health's Database Registration of Vital Events (DRIVE) or may search and print affidavits scanned prior to January 4, 2021, in PanOptic. The Child Support Bureau (CSB) makes these online search tools, provided by the Indiana Department of Health, available to the Title IV-D Prosecutor's Offices.

POLICY

The valid execution of a paternity affidavit conclusively establishes paternity.[4] No further legal action is necessary.[5] The paternity affidavit gives rise to the right of the custodial party (CP), non-custodial parent (NCP), or the Title IV-D agency to obtain a child support order including provisions for health insurance.[6] The paternity affidavit also gives rise to parenting time rights in accordance with Indiana Parenting Time Guidelines.[7]

It should be noted, within 60 days of the date the paternity affidavit is executed, a man who signs the paternity affidavit may file an action to request an order for genetic testing.[8]

If it is within 60 days of the execution of the paternity affidavit, the Title IV-D Prosecutor's Office may, at the request of the man who signed the paternity affidavit, file a request with the Court for genetic testing.[9]

A properly executed paternity affidavit may not be rescinded more than 60 days after the execution unless:

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[1] IC 31-14-2-1
[2] 42 U.S.C. § 666(a)(2); 42 U.S.C. § 666(a)(5)(C)
[3] IC 16-37-2-2.1(c); IC 16-37-2-16
[4] IC 16-37-2-2.1(p)
[5] IC 16-37-2-2.1(p)
[6] IC 16-37-2-2.1(j)(2)(A)
[7] IC 16-37-2-2.1(j)(2)(B)
[8] IC 16-37-2-2.1(k)
[9] IC 16-37-2-2.1(k)

1. A court determines that fraud, duress, or material mistake of fact existed when the affidavit was executed;[10] and
2. A court-ordered genetic test excluded the man as the child's biological father.[11]

REFERENCES

- **IC 16-37-2-2.1**: Paternity affidavits; requirements; forms; joint legal custody agreement; penalty; effect of paternity affidavit; genetic test; opportunity to consult
- **IC 16-37-2-16**: New birth certificate upon marriage of illegitimate child's parents; correction of records
- **IC 31-14-2-1**: Exclusive methods of establishing paternity
- **IC 31-14-4-1**: Persons permitted to file action
- **IC 31-25-4-17**: Support related duties of bureau
- **42 U.S.C. § 666**: Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement

PROCEDURE

When the Title IV-D Prosecutor's Office initiates a case in which the child is born out of wedlock, the Title IV-D Prosecutor's Office should check DRIVE and/or PanOptic to determine whether a paternity affidavit has been executed. If the enrollee states that a paternity affidavit was executed but a paternity affidavit is not found in either system, the Title IV-D Prosecutor's Office may need to contact the health department in the jurisdiction where the paternity affidavit was executed to obtain a copy of the paternity affidavit.

In any Title IV-D case in which the child was born out of wedlock and paternity has not been established by paternity affidavit, the Title IV-D Prosecutor's Office will file a petition to establish paternity with the Court.[12]

FORMS AND TOOLS

1. Database Registration of Indiana's Vital Events (DRIVE)
2. Local Health Department Paternity Affidavit - Child More Than 60 Days Old
3. Local Health Department Paternity Affidavit - Child Within Than 60 Days Old
4. Panoptic Paternity Affidavit Access
5. Paternity Affidavit - Hospital Use
6. Paternity Affidavit Upon Marriage
7. Signing Up for Access Indiana and DRIVE

FREQUENTLY ASKED QUESTIONS

1. Q. Is there any consequence to a mother who knowingly or intentionally names the wrong man on the paternity affidavit?

   A. Yes. If a woman knowingly or intentionally falsely names a man as the child's

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[10] IC 16-37-2-2.1(l)(1)
[11] IC 16-37-2-2.1(l)(2)
[12] IC 31-14-4-1(7); IC 31-25-4-17(a)(3); IC 31-25-4-17(a)(7)(A)(i); Chapter 9: Paternity Establishment, Section 4: Judicial Establishment of Paternity

biological father, she commits a Class A misdemeanor.[13]

2. Q. If a man who signed the paternity affidavit requests genetic testing within the 60 day time frame allowed under the statute, who conducts the test?

    A. If it is a Title IV-D case, the Title IV-D Prosecutor's Office shall provide genetic testing services.[14]

3. Q. If a Paternity Affidavit has been executed, is any further court action required to establish or affirm the paternity of the child?

    A. No. Executing a Paternity Affidavit conclusively establishes the legal paternity of a child without any further proceedings by a Court.[15]

RELATED INFORMATION

1. Paternity affidavits scanned after January 4, 2021, should be available in DRIVE. Paternity affidavits scanned prior to January 4, 2021, can be found in PanOptic.

REVISION HISTORY

Version	Date	Description of Revision
Version 1	11/17/2017	Final approved version
Version 2	08/19/2020	Updated to address more commonly occurring issues with establishing paternity and added additional information about Panoptic
Version 2.1	10/28/2021	Updated to reflect DRIVE information

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[13] IC 16-37-2-2.1(i)
[14] IC 16-37-2-2.1(k); IC 31-14-4-1; Chapter 9: Paternity Establishment, Section 4: Judicial Establishment of Paternity
[15] IC 16-37-2-2.1(p)