



March 12, 1999

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## ENGROSSED HOUSE BILL No. 1352

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DIGEST OF HB1352 (Updated March 10, 1999 1:00 pm - DI 51)

**Citations Affected:** IC 29-1.

**Synopsis:** Proof of paternity for inheritance. Provides that for the purpose of inheritance on the paternal side, proof of paternity of the child must be established by law in a cause of action filed: (1) during the father's lifetime if the child was at least 20 years of age when the father died; (2) during the father's lifetime or within five months after the father's death if the child was less than less than 20 years of age when the when the father died; or (3) within 11 months after the father's death if the child was born after the father died.

**Effective:** July 1, 1999.

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**Steele, Richardson, Dvorak,  
Kuzman**

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January 12, 1999, read first time and referred to Committee on Judiciary.  
February 18, 1999, amended, reported — Do Pass.  
February 22, 1999, read second time, ordered engrossed. Engrossed.  
February 25, 1999, read third time, passed. Yeas 94, nays 2.

SENATE ACTION

March 4, 1999, read first time and referred to Committee on Judiciary.  
March 11, 1999, reported favorably — Do Pass.

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EH 1352—LS 6672/DI 92+



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March 12, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## ENGROSSED HOUSE BILL No. 1352

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A BILL FOR AN ACT to amend the Indiana Code concerning probate.

*Be it enacted by the General Assembly of the State of Indiana:*

1           SECTION 1. IC 29-1-2-7 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) For the purpose of inheritance  
3 (on the maternal side) to, through, and from a child born out of  
4 wedlock, the child shall be treated as if the child's mother were married  
5 to the child's father at the time of the child's birth, so that the child and  
6 the child's issue shall inherit from the child's mother and from the  
7 child's maternal kindred, both descendants and collaterals, in all  
8 degrees, and they may inherit from the child. The child shall also be  
9 treated as if the child's mother were married to the child's father at the  
10 time of the child's birth, for the purpose of determining homestead  
11 rights and the making of family allowances.

12           (b) For the purpose of inheritance (on the paternal side) to, through,  
13 and from a child born out of wedlock, the child shall be treated as if the  
14 child's father were married to the child's mother at the time of the  
15 child's birth, if **one (1) of the following requirements is met:**

16           (1) The paternity of ~~the a child who was at least twenty~~ **(20)**

**EH 1352—LS 6672/DI 92+**



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1           **years of age when the father died** has been established by law  
 2 in a cause of action that is filed

3           ~~(A)~~ during the father's lifetime. ~~or~~

4           ~~(B)~~ within five ~~(5)~~ months after the father's death; or

5           **(2) The paternity of a child who was less than twenty (20)**  
 6 **years of age when the father died has been established by law**  
 7 **in a cause of action that is filed:**

8           **(A) during the father's lifetime; or**

9           **(B) within five (5) months after the father's death.**

10          **(3) The paternity of a child born after the father died has been**  
 11 **established by law in a cause of action that is filed within**  
 12 **eleven (11) months after the father's death.**

13          ~~(2)~~ **(4)** The putative father marries the mother of the child and  
 14 acknowledges the child to be his own.

15          (c) The testimony of the mother may be received in evidence to  
 16 establish such paternity and acknowledgment, but no judgment shall be  
 17 made upon the evidence of the mother alone. The evidence of the  
 18 mother must be supported by corroborative evidence or circumstances.

19          (d) If paternity is established as described in this section, the child  
 20 shall be treated as if the child's father were married to the child's  
 21 mother at the time of the child's birth, so that the child and the child's  
 22 issue shall inherit from the child's father and from the child's paternal  
 23 kindred, both descendants and collateral, in all degrees, and they may  
 24 inherit from the child. The child shall also be treated as if the child's  
 25 father were married to the child's mother at the time of the child's birth,  
 26 for the purpose of determining homestead rights and the making of  
 27 family allowances.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1352, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 15, after "one" insert "(1)".

Page 1, line 16, delete "born at least one (1) year before".

Page 1, line 17, delete "the death of the father" and insert "**who was at least twenty (20) years of age when the father died**".

Page 2, line 4, delete "born less than one (1) year before".

Page 2, line 5, delete "the death of the father" and insert "**who was less than twenty (20) years of age when the father died**".

Page 2, line 9, delete "the death of".

Page 2, line 9, after "father" insert "**died**".

and when so amended that said bill do pass.

(Reference is to HB 1352 as introduced.)

VILLALPANDO, Chair

Committee Vote: yeas 9, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred House Bill No. 1352, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1352 as printed February 19, 1999.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.

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