

HOUSE BILL No. 1352

DIGEST OF INTRODUCED BILL

Citations Affected: IC 29-1-2-7.

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 born at least one year before the death of the father; (2) during the father's lifetime or within five months after the father's death if the child was born less than one year before the death of the father; or (3) within 11 months after the father's death if the child was born after the death of the father.

Effective: July 1, 1999.

Steele

January 12, 1999, read first time and referred to Committee on Judiciary.

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Introduced

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.

HOUSE BILL No. 1352

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 of the following requirements is met:**

16 (1) The paternity of ~~the a~~ **child born at least one (1) year before**
17 **the death of the father** has been established by law in a cause of

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1 action that is filed
 2 ~~(A) during the father's lifetime. or~~
 3 ~~(B) within five (5) months after the father's death; or~~
 4 **(2) The paternity of a child born less than one (1) year before**
 5 **the death of the father has been established by law in a cause**
 6 **of action that is filed:**
 7 **(A) during the father's lifetime; or**
 8 **(B) within five (5) months after the father's death.**
 9 **(3) The paternity of a child born after the death of the father**
 10 **has been established by law in a cause of action that is filed**
 11 **within eleven (11) months after the father's death.**
 12 ~~(2)~~ **(4) The putative father marries the mother of the child and**
 13 **acknowledges the child to be his own.**
 14 (c) The testimony of the mother may be received in evidence to
 15 establish such paternity and acknowledgment, but no judgment shall be
 16 made upon the evidence of the mother alone. The evidence of the
 17 mother must be supported by corroborative evidence or circumstances.
 18 (d) If paternity is established as described in this section, the child
 19 shall be treated as if the child's father were married to the child's
 20 mother at the time of the child's birth, so that the child and the child's
 21 issue shall inherit from the child's father and from the child's paternal
 22 kindred, both descendants and collateral, in all degrees, and they may
 23 inherit from the child. The child shall also be treated as if the child's
 24 father were married to the child's mother at the time of the child's birth,
 25 for the purpose of determining homestead rights and the making of
 26 family allowances.

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