

## **IC 31-14-5**

### **Chapter 5. Filing of Paternity Action; Limitations**

#### **IC 31-14-5-1**

##### **Verification of petition; caption**

Sec. 1. Each petition in a paternity action must:

(1) be verified; and

(2) be captioned "In the Matter of the Paternity of \_\_\_\_\_".

*As added by P.L.1-1997, SEC.6.*

#### **IC 31-14-5-2**

##### **Petition by minors and incompetent persons; time for filing petition; tolling of limitations during period of incompetency**

Sec. 2. (a) A person less than eighteen (18) years of age may file a petition if the person is competent except for the person's age. A person who is otherwise incompetent may file a petition through the person's guardian, guardian ad litem, or next friend.

(b) Except as provided in subsection (c), a child may file a paternity petition at any time before the child reaches twenty (20) years of age.

(c) If a child is incompetent on the child's eighteenth birthday, the child may file a petition not later than two (2) years after the child becomes competent.

*As added by P.L.1-1997, SEC.6.*

#### **IC 31-14-5-3**

##### **Time for filing action**

Sec. 3. (a) This section does not apply to an action filed by the department or its agents under section 4 of this chapter (or IC 31-6-6.1-6(c) before its repeal).

(b) The mother, a man alleging to be the child's father, or the department or its agents must file a paternity action not later than two (2) years after the child is born, unless:

(1) both the mother and the alleged father waive the limitation on actions and file jointly;

(2) support has been furnished by the alleged father or by a person acting on his behalf, either voluntarily or under an agreement with:

(A) the mother;

(B) a person acting on the mother's behalf; or

(C) a person acting on the child's behalf;

(3) the mother, the department, or the county office of family and children files a petition after the alleged father has acknowledged in writing that he is the child's biological father;

(4) the alleged father files a petition after the mother has acknowledged in writing that he is the child's biological father;

(5) the petitioner was incompetent at the time the child was born; or

(6) a responding party cannot be served with summons during the two (2) year period.

(c) If any of the conditions described in subsection (b) exist, the paternity petition must be filed not later than two (2) years after the condition described in subsection (b) ceases to exist.

*As added by P.L.1-1997, SEC.6. Amended by P.L.145-2006, SEC.223.*

#### **IC 31-14-5-4**

##### **Action by division or county office of family and children furnishing public assistance; time for filing action**

Sec. 4. If:

(1) public assistance has been furnished for the child by the division of family resources; and

(2) an assignment of support rights under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669) has been executed on behalf of the child;

the division of family resources or the county office of family and children may file an action before the child becomes nineteen (19) years of age or graduates from high school, whichever occurs first.

*As added by P.L.1-1997, SEC.6. Amended by P.L.145-2006, SEC.224.*

#### **IC 31-14-5-5**

##### **Action to be filed during lifetime or within five months of death of alleged father**

Sec. 5. Notwithstanding any other provision of this chapter, an action must be filed:

(1) during the lifetime of the alleged father; or

(2) not later than five (5) months after his death.

*As added by P.L.1-1997, SEC.6.*

#### **IC 31-14-5-6**

##### **Necessary parties**

Sec. 6. The child, the child's mother, and each person alleged to be the father are necessary parties to each action.

*As added by P.L.1-1997, SEC.6.*

#### **IC 31-14-5-7**

##### **Registration with putative father registry**

Sec. 7. A man who files or is a party to a paternity action shall register with the putative father registry under IC 31-19-5.

*As added by P.L.1-1997, SEC.6.*

#### **IC 31-14-5-8**

##### **Action not barred by child's death or stillbirth or mother's death**

Sec. 8. An action not otherwise barred is not barred by:

(1) the death or stillbirth of the child; or

(2) the death of the mother.

*As added by P.L.1-1997, SEC.6.*

#### **IC 31-14-5-9**

**Barred from establishing paternity**

Sec. 9. A man who is barred under IC 31-19 from establishing paternity may not establish paternity by:

- (1) filing a paternity action as next friend of a child; or
- (2) requesting a prosecuting attorney to file a paternity action.

*As added by P.L.21-2010, SEC.1.*