

	<b>INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL</b>	
	<b>Chapter 9: Paternity Establishment</b>	<b>Effective Date: 11/17/17</b>
	<b>Section 2: Administrative Establishment of Paternity</b>	<b>Version: 1 Revision Date: 11/17/17</b>

**BACKGROUND**

The two methods for establishing paternity in Indiana are by paternity affidavit and by court order.<sup>1</sup> Federal regulations require an expedited administrative process to establish paternity.<sup>2</sup> 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 or upon marriage of the parents to each other.<sup>3</sup> The Title IV-D Prosecutor may search for and print copies of executed paternity affidavits through Panoptic. The Child Support Bureau makes this on-line search tool, provided by the Indiana State Department of Health, available to the Title IV-D Prosecutor.

**POLICY**

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

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.<sup>8</sup>

A properly executed paternity affidavit may not be rescinded more than 60 days after the execution unless:

- a. A court determines that fraud, duress, or material mistake of fact existed when the affidavit was executed; and
- b. A court-ordered genetic test excluded the man as the child’s biological father.<sup>9</sup>

<sup>1</sup> IC 31-14-2-1

<sup>2</sup> 42 U.S.C. § 666(a)(5)(C); IC 31-25-4-18

<sup>3</sup> IC 16-37-2-2.1(a); IC 16-37-2-2.1(c); IC 16-37-2-16

<sup>4</sup> IC 16-37-2-2.1(p)

<sup>5</sup> IC 16-37-2-2.1(p)

<sup>6</sup> IC 16-37-2-2.1(j)(A); IC 31-16-6-4

<sup>7</sup> IC 16-37-2-2.1(j)(B)

<sup>8</sup> IC 16-37-2-2.1(k)

<sup>9</sup> IC 16-37-2-2.1(l)

The Title IV-D Prosecutor is strongly encouraged to avoid the initiation of actions to rescind paternity affidavits after 60 days. Additionally, the Title IV-D Prosecutor is strongly encouraged to contest the filing of a petition to rescind a paternity affidavit, if filed more than 60 days after the execution and the petition is not based on fraud, duress, or material mistake of fact.<sup>10</sup>

## 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 16-37-2-14](#): Duties of health officer regarding paternity affidavit
- [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 31-25-4-18](#): Order for genetic testing to establish paternity; income withholding
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement

## PROCEDURE

When the Title IV-D Prosecutor initiates a case in which the child is born out of wedlock, the Title IV-D Prosecutor should check Panoptic to determine whether a paternity affidavit has been executed. If a paternity affidavit is not found in Panoptic, the Title IV-D Prosecutor may need to contact the local health department to obtain a copy of the paternity affidavit. If no paternity affidavit has been executed the Title IV-D Prosecutor should initiate judicial action.

## FORMS AND TOOLS

1. Chapter 18: Confidentiality and Security
2. [Establishing Paternity](#)
3. [Establishing Paternity Brochure](#)
4. [Indiana Parenting Time Guidelines](#)
5. [Panoptic Paternity Affidavit Access Logon](#)
6. [Panoptic Paternity Affidavit Access](#)
7. [Paternity Affidavit – Hospital Use](#)
8. [Local Health Department Paternity Affidavit – Child More Than 60 Days Old](#)
9. [Local Health Department Paternity Affidavit – Child Less Than 60 Days Old](#)
10. [Paternity Affidavit Upon Marriage](#)

## 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 biological father, she commits a Class A misdemeanor.<sup>11</sup>

<sup>10</sup> IC 16-37-2-2.1(l)(1)

<sup>11</sup> IC 16-37-2-2.1(i)

2. Q. If a man who signed the paternity affidavit requests genetic testing within the 60 day timeframe allowed under the statute, who conducts the test?  
A. If it is a Title IV-D case, the Title IV-D Prosecutor shall provide genetic testing services.<sup>12</sup>
3. Q. If a paternity affidavit is executed should a Petition to Confirm Paternity be filed?  
A. No. A paternity affidavit does not require confirmation by the court.<sup>13</sup>
4. Q. If a man is listed as the father on the child's birth certificate, does that alone establish his paternity?  
A. No.

<b>RELATED INFORMATION</b>
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[Indiana Code 16-37-2](#): Certification of Births

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<sup>12</sup> IC 31-14-6-1; IC 31-25-4-18; See Section 4 of this Chapter

<sup>13</sup> IC 16-37-2-2.1(i)(1)