

Rescinding (Canceling) a Paternity Affidavit and Disestablishing Paternity

Under Indiana law, a man has the right to rescind (cancel) a Paternity Affidavit only within sixty (60) days of the date the Paternity Affidavit was signed. To do so, he must file an action in a court with jurisdiction over paternity.

A woman does not have the right to rescind (cancel) a Paternity Affidavit after she has signed it.

After 60 days a man may not rescind a Paternity Affidavit, even if a genetic test later proves the child is not his. The only way to legally reverse an established paternity after 60 days has passed is through a court action.

The Title IV-D Child Support Program

Every Prosecutor's office in Indiana operates a Title IV-D Child Support Program. Anyone can apply to the Prosecutor's office for these services:

- Establishing paternity
- Low-cost genetic testing
- Locating an absent parent
- Establishing a court order for the payment of child support and medical support
- Enforcing support orders

Parents receiving TANF benefits are required to cooperate with the Prosecutor's office in establishing paternity and child support.

If you are afraid to establish Paternity because of domestic violence, contact the Prosecutor's Office or law enforcement.

More information and Frequently Asked Questions

childsupport.in.gov
vitalrecords.in.gov

For Legal Help
See Local Child Support Offices

childsupport.in.gov/county

Indiana Bar Association (317) 639-5465

indianalegalservices.org

in.gov/judiciary/selfservice

Indiana Parenting Time & Child Support Guidelines

in.gov/judiciary/childsupport

Parenting Time Helpline (844) 836-0003

PTHelpline@dcs.in.gov



State of Indiana
Department of Child Services
Child Support Bureau
www.IN.gov/dcs/support

The Indiana Department of Child Services does not discriminate on the basis of race, color, creed, sex, age, disability, national origin, or ancestry.

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Indiana Child Support Program

Establishing Paternity in Indiana



This brochure explains the rights, responsibilities, and benefits of establishing paternity and tells you what you need to know before signing a Paternity Affidavit.

What Is Paternity?

Paternity means fatherhood. Establishing paternity gives your child a legal father.

When paternity is established, the father has:

- The right to have his name on the child's birth certificate.
- The right to parenting time with the child according to the Indiana Parenting Time Guidelines, unless a court rules otherwise.
- The responsibility to provide financial support for the child, including medical support.

Benefits of establishing paternity

- The child may have the father's last name or a last name of the parents' choice. If paternity is not established, the child must have the mother's last name.
- The child can receive certain benefits through the father, including health and life insurance, social security, veteran's benefits and inheritance.
- The child can receive financial support from both parents.
- The child can have access to the father's family medical history.

How is paternity established in Indiana?

By Paternity Affidavit

- At the Hospital within the first 72 hours after their child's birth.
- At the Local Health Department in the county where the child was born, before the child is emancipated, as long as no other father is listed on the birth certificate. (There may be a fee.)

By Court Order

- One or both parents must file a paternity action in court.

The Paternity Affidavit

Signing a Paternity Affidavit is voluntary.

Signing a Paternity Affidavit has legal consequences. You have the right to consult with an attorney first.

Things to know before you sign...

Both parents must sign the Paternity Affidavit. Before signing, both parents must be given written and oral information about their alternatives, rights, and responsibilities, and the effects of signing a Paternity Affidavit.

Both parents must be provided with an opportunity to review the information about paternity separately and without the presence of the other parent.

A parent under the age of 18 may sign a Paternity Affidavit, but they must be given a chance to consult with an adult of their choice before signing.

A parent may sign a Paternity Affidavit even if they are married to someone else.

Once a Paternity Affidavit is completed, it is legally binding and no further court action is required to establish paternity of the child.

You have the right to obtain a genetic test.

- You should NOT sign a Paternity Affidavit if you are unsure about biological paternity.
- A woman who knowingly or intentionally falsely names a man as the child's biological father commits a Class A misdemeanor.
- You may contact your local Prosecutor's Office about an inexpensive genetic test.

Custody

Physical Custody identifies with whom the child resides. The mother automatically has physical custody of a child born to unmarried parents, unless a court orders otherwise.

Legal Custody identifies who will make major decisions about the child's education, health care, and religious training as well as who has access to the child's school and medical records.

Joint Legal Custody

Joint legal custody means parents share the legal custody rights.

Parents can establish joint legal custody by:

- Completing Section F of the Paternity Affidavit, and
- Obtaining a genetic test from an accredited laboratory that shows the man is the biological father (a home paternity test is not legally sufficient), and
- Submitting the test results to the local health department within 60 days of the child's birth.

If the parents fail to provide the genetic test results to the health department within 60 days of the child's birth OR the test proves the man is not the biological father:

- The man who signed the Paternity Affidavit is **still** the legal father of the child; but
- The joint legal custody agreement is void, and
- The mother has sole legal custody.