

What is the importance of establishing paternity?

Establishing paternity has many benefits for both you and your child(ren). By establishing paternity you solidify and more clearly define parental rights and responsibilities such as custody and parenting time that can help foster the parent/child relationship.

Additionally, there are numerous legal reasons as to why establishing paternity can be important. Paternity establishment affects other areas of law such as: education, insurance, health, taxation, probate, and disability law. Many times, paternity establishment is necessary for your child to receive Social Security disability benefits. The following excerpt from the Indiana Social Security Newsletter provides an excellent example of how establishing paternity can tangentially affect other areas of law:

—Most people think of Social Security as a part of their retirement plan, but Social Security is also a family protection plan with benefits for children, too. About 4 million children, including 80,000 children in Indiana, receive approximately \$1.9 billion each month because one or both of their parents are disabled, retired or deceased. Those dollars help to provide the necessities of life for family members and help to make it possible for those children to complete high school. [Therefore, it is] important that parents are aware of who can [acquire] benefits based on their Social Security earnings record — and when.”

I am the mother of a child and I would like to establish Paternity for that child. What do I do?

See the answer to the question “How do I open a case with your office?” referenced above. Once you have filled out the forms, you should bring them to our office along with any documents you have regarding the birth of the child. After you have returned the Application, you will be requested to fill out a Paternity Questionnaire and provide a Certified Copy of your child’s birth certificate. If the father signed a paternity affidavit and a Rights and Responsibilities” form, you will need to provide that as well.

I was served with papers stating that I have been named as a father in a Paternity Action. What are my options?

The papers you received should contain an Order to Appear at a hearing date in court before the child support commissioner. That courtroom is located in the Courthouse building at 16. E. 9th Street,

Anderson, IN – 46016. . You should make arrangements to appear in court as required and arrive approximately 10 minutes before your hearing time on the specified date. The first hearing is called the Initial Hearing at which time the judge will explain to you what the Paternity Petition means and notify you of your rights and options in the case. You will have a chance to ask any questions at that hearing.

Do I have a right to a DNA test in a Paternity Case?

Either party in a Paternity Case may ask that a DNA test be given. The Court will ask you if you want a DNA test at the Initial Hearing.

Who pays for a DNA test in a Paternity Case?

A DNA test currently costs \$96.00. The cost is entirely covered by the alleged father. If you would like the DNA test done in our office you will need to go to the child support office to fill out an application in addition to appearing in court. If not, you have to continue to pay in our office.

How is a DNA test performed?

The DNA testing procedure is very simple. The DNA samples are gathered from the cells on the inside of the cheek using a buccal swab” which is essentially similar to a large cotton swab. The sterile swab is simply rubbed on the inside of the cheek and then sealed in an envelope for testing. The sampling procedure takes only a few minutes and is completely painless.

If I believe that I am the father, can I admit to paternity without a DNA test?

If you believe that you are the father, the Court will permit you to admit paternity without a DNA test, if you so desire. However, the Court will strongly encourage you to take the test, even if you believe that you are the father. Once your admission is accepted by the court and the Paternity Case completed it is extremely difficult to go back and change the paternity finding that has been made.

Since the test is relatively inexpensive, the Court will encourage you to request a test under any circumstances.

Do I have the right to a court appointed attorney in a paternity case?

You do not have the right to a Court appointed attorney at the Paternity Establishment stage. However, if you need time to find and hire your own attorney, the Court will usually allow you a reasonable period of time to do so. If you cannot afford to hire an attorney, the Court may provide you with information about available options for obtaining representation at a reduced cost.

What if I don't agree with the results of a paternity test?

If you don't agree with the Paternity Test you may challenge that test in Court. However, the procedure requires specific evidence that the test is faulty in some way and the challenge must meet various legal requirements. You are strongly encouraged to obtain legal counsel if you desire to challenge a test in this fashion.

Do I have a right to a trial even if the DNA test shows that I am the father?

You do have the right to request that the Court set the Paternity case for a contested hearing on the matter of paternity. That hearing will be before the Judge, since you do not have the right to a Jury Trial in a Paternity Case. If the Paternity test shows a Probability of Paternity" in excess of 99%, then the law presumes that the person tested is the child's biological father. Therefore, even if you request that the matter go to a hearing on the paternity, the State may file a Motion for Summary Judgment which asks the Court to rule against you without the necessity of a hearing because of that presumption.

What rights as a father do I have once Paternity is established?

If you are found to be the father of a child, then you have full parental rights and responsibilities for that child. The court will hold a hearing to determine the appropriate amount of child support as well

as to determine the matters of custody and parenting time for the child. In addition, issues of a change of name for the child, and provisions for the payment of medical and educational expenses may also arise.