

IC 31-13-2

Chapter 2. Children Born Out of Wedlock

IC 31-13-2-1

Petition to establish whether child was born in wedlock; notice; hearing; determination; review

Sec. 1. (a) A person interested in establishing whether a child was born in wedlock may file a petition to maintain an action to determine whether the child was born in wedlock. The petition must:

- (1) be filed in the circuit or superior court of a county in which either of the parties to the marriage resides;
- (2) set forth the facts concerning the child's birth; and
- (3) name as defendants in the action all persons interested in the question of whether the child was born in wedlock.

The petitioner shall give the persons described in subdivision (3) notice in accordance with IC 31-16-2-5.

(b) The court shall hold a hearing on the petition filed under subsection (a) and shall make a determination on the question of whether the child was born in wedlock.

(c) An appeal of the court's determination under subsection (b) may be taken to the supreme court. An appeal taken under this subsection is governed by the same rules that apply to other civil actions that are appealed.

As added by P.L.1-1997, SEC.5.

IC 31-13-2-2

Finality of determination; subsequent review on petition of defendant less than 18 years of age at time of determination

Sec. 2. (a) Except as provided in subsection (b), a final determination made under section 1 of this chapter (or IC 31-7-8-3 before its repeal) is conclusive among the parties to the action and among persons who make claims under parties to the action.

(b) A defendant who was less than eighteen (18) years of age at the time the determination under section 1 of this chapter (or IC 31-7-8-3 before its repeal) became final may petition the circuit or superior court in which the original action was taken to review the determination. This petition must be filed before the individual becomes nineteen (19) years of age.

As added by P.L.1-1997, SEC.5.

IC 31-13-2-3

Child of common law marriage consummated before January 2, 1958

Sec. 3. A child of a common law marriage that was consummated before January 2, 1958, is considered to be a child of a valid marriage.

As added by P.L.1-1997, SEC.5.