

IC 31-14-21

Chapter 21. Requirements When Adoption Pending for Child Who Is Subject of Paternity Action

IC 31-14-21-1

Applicability of IC 31-14-21-1 through IC 31-14-21-7

Sec. 1. Sections 1 through 7 of this chapter apply if a man who files or is a party to a paternity action under this article (or IC 31-6-6.1 before its repeal) is:

- (1) served with notice under:
 - (A) IC 31-19-3 (or IC 31-3-1-6.4 before its repeal); or
 - (B) IC 31-19-4-1 through IC 31-19-4-9 (or IC 31-3-1-6.1 before its repeal); or
- (2) informed in any other manner;

of a pending or potential adoption of a child who is the subject of the paternity action.

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

IC 31-14-21-2

Nonapplicability of IC 31-14-21-1 through IC 31-14-21-7

Sec. 2. Sections 1 through 7 of this chapter do not apply to a man whose paternity of a child is established before the filing of a petition to adopt the man's child.

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

IC 31-14-21-3

Putative father's notice of paternity action; notice to attorney or agency in adoption proceedings

Sec. 3. A putative father shall give notice of the paternity action to an attorney or agency that serves the putative father with notice as described in section 1(1) of this chapter.

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

IC 31-14-21-4

Putative father's notice of paternity action; notice to clerk having jurisdiction over adoption

Sec. 4. A putative father who has not been served with notice of a paternity action as described in section 1(1) of this chapter but knows:

- (1) that an adoption has been filed; and
- (2) the court in which the adoption is pending;

shall serve the clerk of the court having jurisdiction over the adoption with notice of the paternity action.

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

IC 31-14-21-5

Content of notice

Sec. 5. The notice required by sections 3 and 4 of this chapter must include:

- (1) the name of the court;

(2) the cause number; and
(3) the date of filing;
of the paternity action.
As added by P.L.1-1997, SEC.6.

IC 31-14-21-6

Failure to provide notice; intervention by adoptive parents

Sec. 6. If:

(1) a putative father fails to provide notice under section 3 or 4 of this chapter; and
(2) the prospective adoptive parents file a motion to intervene; the court with jurisdiction over the paternity action shall allow the prospective adoptive parents to intervene in the paternity action under Rule 24 of the Indiana Rules of Trial Procedure as described in section 8 of this chapter.

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

IC 31-14-21-7

Failure to provide notice; vacation of paternity determination; intervention by adoptive parents

Sec. 7. If the court has already established the paternity of a father who fails to provide notice under section 3 or 4 of this chapter and the prospective adoptive parents file a motion to intervene, the court shall:

- (1) set aside the paternity determination to reinstate the paternity action; and
- (2) allow the prospective adoptive parents to intervene as described in section 6 of this chapter.

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

IC 31-14-21-8

Intervention by adoptive parents; purposes of intervention; objections to errors in paternity proceedings

Sec. 8. (a) If:

(1) an adoption of a child who is the subject of the paternity action is pending; and
(2) the prospective adoptive parents file a motion to intervene; the court having jurisdiction over the paternity action under this article shall allow the prospective adoptive parents to intervene in the paternity action under Rule 24 of the Indiana Rules of Trial Procedure.

(b) The prospective adoptive parents may intervene under this section solely for purposes of:

- (1) receiving notice of the paternity proceedings; and
- (2) attempting to ensure that the putative father's paternity is not established unless the putative father is the child's biological father.

(c) A prospective adoptive parent may object to any error that occurs during the paternity proceedings.

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

IC 31-14-21-9

Duty of court with jurisdiction to establish paternity within period prescribed by chapter

Sec. 9. (a) Except as provided under section 13 of this chapter and subject to IC 31-19-2-14, if a court presiding over a paternity action under this article knows of:

- (1) a pending adoption of a child who is the subject of the paternity action; and
- (2) the court in which the adoption is pending;

the court having jurisdiction over the paternity action shall establish a child's paternity within the period prescribed by this chapter.

(b) Except as provided under section 13 of this chapter and subject to IC 31-19-2-14, the court shall conduct an initial hearing not more than thirty (30) days after:

- (1) the filing of the paternity petition; or
- (2) the birth of the child;

whichever occurs later.

As added by P.L.1-1997, SEC.6. Amended by P.L.200-1999, SEC.3; P.L.61-2003, SEC.1; P.L.58-2009, SEC.5.

IC 31-14-21-9.1

Duty of court to order blood or genetic testing

Sec. 9.1. (a) Except as provided under section 13 of this chapter and subject to IC 31-19-2-14, at the initial hearing held under section 9 of this chapter, the court shall order all the parties to the paternity action to undergo blood or genetic testing.

(b) If the alleged father is unable to pay for the initial costs of the testing, the court shall order that the tests be paid by the state department of health from putative father registry fees collected under IC 31-19-2-8(2). The state department of health may recover costs from an individual found to be the biological father of the child in the action.

As added by P.L.200-1999, SEC.4. Amended by P.L.58-2009, SEC.6.

IC 31-14-21-9.2

Final hearing to determine paternity and ruling

Sec. 9.2. Subject to IC 31-19-2-14 and section 13 of this chapter, not later than ninety (90) days after the initial hearing held under section 9 of this chapter, the court shall conduct a final hearing to determine paternity. Not more than fourteen (14) days after the final hearing, the court shall issue its ruling in the paternity action.

As added by P.L.200-1999, SEC.5. Amended by P.L.58-2009, SEC.7.

IC 31-14-21-10

Repealed

(Repealed by P.L.200-1999, SEC.34.)

IC 31-14-21-11

Repealed

(Repealed by P.L.200-1999, SEC.34.)

IC 31-14-21-12

Repealed

(Repealed by P.L.200-1999, SEC.34.)

IC 31-14-21-13

Stay proceedings in paternity action

Sec. 13. Upon notice that a court in which an adoption is pending has assumed jurisdiction of a paternity action under IC 31-19-2-14, the court in which the paternity action was pending shall stay all proceedings in the paternity action until further order from the court in which the adoption is pending.

As added by P.L.58-2009, SEC.8.