

Indiana Legal Services, Inc

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Paternity Affidavit

What is a paternity affidavit?

When a child is born to an unmarried woman, the parents need to take action if they want to establish paternity. One way to do this is by signing a paternity **affadavit** a written statement signed by the person who promises the statement is true. A paternity affidavit is a statement that can be signed to establish paternity. It can be signed at the hospital within 72 hours of the child's birth, or later at the local health department. Both the mother and the father must sign the affidavit.

If the parents sign the paternity affidavit, the man is legally considered to be the child's father.

After a paternity affidavit has been signed, can the people who signed it change their minds?

Within 60 days of signing the affidavit, the man who signed the paternity affidavit or anyone who is entitled to file a paternity case can file a case in paternity court and ask for blood or genetic testing. If the genetic test shows the man is not the father, the court shall set aside the paternity affidavit.

After 60 days, the paternity affidavit can be cancelled only if there is proof that the persons were tricked or forced into signing the affidavit.

What is in a paternity affidavit?

The paternity affidavit is a form that is provided by the state. The affidavit must include:

- the mother's sworn statement that the man is the child's father;
- the man's statement that he believes he is the child's father;
- information explaining the effect of signing the paternity affidavit and describing the availability of child support enforcement services; and
- the social security number of each parent.

Where can I get a paternity affidavit?

The hospital will be able to provide you with a paternity affidavit. An affidavit signed at the hospital must be signed within 72 hours of the child's birth. After that time, you can get a paternity affidavit at your local health department.

Who has custody of a child born outside of marriage if the parents have signed a paternity affidavit?

The mother of a child born outside of marriage has custody of the child even if the father has signed a paternity affidavit. The mother will have custody until a court issues a custody order saying someone else has custody.

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