

Indiana Legal Services, Inc

Using the law to fight poverty, empower clients, and improve access to justice.

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Who has Custody of a Child Born Outside of Marriage?

When an unmarried mother has a child, the mother has legal custody of that child until a court says otherwise.

[Note: You can click on the question to go directly to the answer to that question, or you can scroll down the page to see all the questions and answers].

I am the father of a child born outside of marriage. I want custody. What should I do?

I am the mother of a child born outside of marriage. The father took the child, and will not return him. What should I do?

I am the father of a child born outside of marriage. I want custody. What should I do?

You will need to establish paternity and ask the court for a custody order. You can contact your local county prosecutor's office to ask for help in establishing paternity. If the court finds you are the child's father, you can then ask for custody or visitation. You will also be obligated to support the child. You can also register with the Putative Father Registry. This will give you notice of any adoption if the mother puts the child up for adoption. You can register by contacting the Indiana State Department of Health.

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I am the mother of a child born outside of marriage. The father took the child, and will not return him. What should I do?

If there is no court order and you are not married to the child's father, you have legal custody of the child. You should first ask the local police or sheriff for help. They should be able to go with you to get your child. You can show the police or sheriff the Indiana law that says the mother has legal custody in this situation. To see a copy of the law, go [here](#). If the police or sheriff will not help, you can file a case in court asking for the return of the child.

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