

### **IC 31-19-3**

#### Chapter 3. Notice of Adoption Before Birth of Child

### **IC 31-19-3-1**

#### **Prebirth notice to putative father**

Sec. 1. Before the birth of a child:

- (1) a licensed child placing agency;
- (2) an attorney representing prospective adoptive parents of the child; or
- (3) an attorney representing the mother of the child;

may serve the putative father of the child or cause the putative father to be served with actual notice that the mother of the child is considering an adoptive placement for the child.

*As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.10.*

### **IC 31-19-3-2**

#### **Notice not compelling adoptive placement**

Sec. 2. Providing the putative father with actual notice under section 1 of this chapter does not obligate the mother of the child to proceed with an adoptive placement of the child.

*As added by P.L.1-1997, SEC.11.*

### **IC 31-19-3-3**

#### **Affidavit of service of actual notice**

Sec. 3. (a) Upon the filing of a petition for adoption:

(1) the licensed child placing agency sponsoring the adoption;  
or  
(2) the attorney representing the prospective adoptive parents;  
shall submit to the court an affidavit setting forth the circumstances surrounding the service of actual notice, including the time, if known, date, and manner in which the actual notice was provided.

(b) If notice is served upon the putative father under section 1(3) of this chapter:

(1) the licensed child placing agency sponsoring the adoption;  
or  
(2) the attorney representing the prospective adoptive parents;  
shall submit to the court an affidavit prepared by the attorney representing the mother of the child. An affidavit filed under this subsection must contain the same information as an affidavit filed under subsection (a).

*As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.14; P.L.200-1999, SEC.11.*

### **IC 31-19-3-4**

#### **Form of notice**

Sec. 4. Notice of the potential adoption under this chapter must be provided to the putative father of the child in substantially the following form:

" \_\_\_\_\_ (putative father's name), who has been named

as the father of the unborn child of \_\_\_\_\_ (birth mother's name), or who claims to be the father of the unborn child, is notified that \_\_\_\_\_ (birth mother's name) has expressed an intention to secure an adoptive placement for the child.

If \_\_\_\_\_ (putative father's name) seeks to contest the adoption of the unborn child, the putative father must file a paternity action to establish his paternity in relation to the unborn child not later than thirty (30) days after the receipt of this notice.

If \_\_\_\_\_ (putative father's name) does not file a paternity action not more than thirty (30) days after receiving this notice, or having filed a paternity action, is unable to establish paternity in relation to the child under IC 31-14 or the laws applicable to a court of another state when the court obtains jurisdiction over the paternity action, the putative father's consent to the adoption or the voluntary termination of the putative father's parent-child relationship under IC 31-35-1, or both, shall be irrevocably implied and the putative father loses the right to contest the adoption, the validity of his implied consent to the adoption, the termination of the parent-child relationship, and the validity of his implied consent to the termination of the parent-child relationship. In addition, the putative father loses the right to establish paternity of the child under IC 31-14 or in a court of another state when the court would otherwise be competent to obtain jurisdiction over the paternity action, except as provided in IC 31-19-9-17(b).

Nothing \_\_\_\_\_ (mother's name) or anyone else says to \_\_\_\_\_ (putative father's name) relieves \_\_\_\_\_ (putative father's name) of his obligations under this notice.

Under Indiana law, a putative father is a person who is named as or claims that he may be the father of a child born out of wedlock but who has not yet been legally proven to be the child's father.

For purposes of this notice, \_\_\_\_\_ (putative father's name) is a putative father under the laws in Indiana regarding adoption."

*As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.12.*

### **IC 31-19-3-5**

#### **Putative father's notice of paternity action**

Sec. 5. A putative father who files a paternity action as described by IC 31-19-9-15(2) after receiving notice of a potential adoption from an attorney or a licensed child placing agency under section 1 of this chapter shall notify the attorney or agency that the paternity action has been filed. The notice must include the following information:

- (1) The name of the court.
- (2) The cause number.
- (3) The date of filing.

*As added by P.L.1-1997, SEC.11.*

### **IC 31-19-3-6**

**Adoptive parents' intervention in paternity action**

Sec. 6. If a putative father fails to provide notice to an attorney or a licensed child placing agency under section 5 of this chapter (or under IC 31-3-1-6.4(i) before its repeal), upon a motion of the prospective adoptive parents the court having 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 added by P.L.1-1997, SEC.11.*

**IC 31-19-3-7**

**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 5 of this chapter (or under IC 31-3-1-6.4(i) before its repeal), upon motion of the prospective adoptive parents the court shall:

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

*As added by P.L.1-1997, SEC.11.*

**IC 31-19-3-8**

**Applicability of Rules of Trial Procedure**

Sec. 8. The Indiana Rules of Trial Procedure do not apply to the giving of notice under this chapter.

*As added by P.L.200-1999, SEC.13.*

**IC 31-19-3-9**

**Validity of notice; putative father residing outside Indiana**

Sec. 9. (a) A notice served in accordance with this chapter on a putative father who is a resident of Indiana is valid regardless of whether the notice is served within or outside Indiana.

(b) A notice served in accordance with this chapter outside Indiana on a putative father who is not a resident of Indiana is valid if the child was conceived:

- (1) in Indiana; or
- (2) outside Indiana, if the laws of the state in which the:
  - (A) father:
    - (i) is served notice; or
    - (ii) resides; or
  - (B) child was conceived;allow a paternity or similar action to be filed before the birth of a child.

*As added by P.L.146-2007, SEC.4.*