

# Children's Law Center of Indiana



## Paternity

11/30/2007

In **In Re Paternity of A.R.S.A.**, 876 N.E.2d 1161 (Ind. Ct. App. 2007), the Court affirmed the trial court's order that the Father reimburse Medicaid for fifty percent of the medical expenses incurred during the birth of his son. On December 16, 2004, a son was born to Mother and Father who were not married. Within seventy-two hours, Father signed a paternity affidavit declaring himself to be the child's father. On June 16, 2006, the State filed a Verified Petition for Support to benefit the child, requesting the trial court to order Father to secure and maintain health coverage for the child when it becomes reasonably available and to reimburse Medicaid for fifty percent of the birthing expenses relating to the child's birth. After a hearing, the trial court entered an order establishing the child's paternity and finding that no child support was owed because the parents had continuously resided together since the child's birth. In a separate judgment, the trial court ordered Father to pay fifty percent of the child's birthing expenses for an amount of \$3,259.52. Father filed a motion to correct error which was denied. He then appealed.

**Trial court properly ordered Father to reimburse Medicaid fifty percent of the child's birthing expenses.** *Id.* at 1165. Father contends that IC 31-14-17-1 contemplates reimbursement of a mother's medical expenses incurred during childbirth, not the infant's. IC 31-14-17-1 states:

The court shall order the father to pay at least fifty percent (50%) of the reasonable and necessary expenses of the mother's pregnancy and childbirth, including the cost of (1) prenatal care; (2) delivery; (3) hospitalization; and (4) postnatal care.

The Court noted that the child's medical expenses were incurred as a result of and immediately following his birth. The Court was persuaded by precedent that postnatal care includes an infant's treatment upon birth. Concluding that the plain language of the statute supported this interpretation, the Court held that any expenses relating to childbirth logically include expenses incurred by the infant during and immediately following birth and that ruling otherwise would make the statutory inclusion of "childbirth" futile. *Id.* at 1164-65.

**The Court concluded that IC 31-14-17-1, which requires an unmarried father to reimburse fifty percent of his child's birthing expenses, is rationally related to the State's legitimate goal of imposing similar financial responsibility on unwed fathers as on married fathers and, therefore, is constitutional.** *Id.* at 1166-67. The Father contended that IC 31-14-17-1 violates the Equal Protection Clause of the Fourteenth Amendment because it requires Fathers of out-of-wedlock children to reimburse

Medicaid for the birthing expenses but not married fathers. The Court reviewed case law setting forth the appropriate analysis for such a claim. The Court noted that Father did not assert that he is a member of a suspect class or that fundamental rights are involved here. Thus, the Court applied the rational basis test to this case. *Id.* at 1165. The Court found that “the State’s interest in requiring men to provide for their children born out-of-wedlock and reimburse birthing expenses is a legitimate goal in that it requires a man to accept financial accountability, similar to the one voluntarily carried by married fathers.” *Id.* at 1166.

**IC 31-14-17-1 does not violate the Due Process Clause of the Fourteenth Amendment of the United States Constitution.** *Id.* at 1168. The Court found that in Father’s due process claim he “appear[ed] to argue that imposing an automatic reimbursement of fifty percent of [the child’s] birthing expenses deprives him of his property without allowing him an opportunity to be heard on his ability to pay this amount.” *Id.* at 1167. The Court noted that (1) both the federal and State Medicaid systems require an out-of-wedlock father to reimburse Medicaid for birthing expenses and do not impose an obligation on the trial court to conduct an inquiry into a father’s ability to pay; (2) the trial court did not inquire into Father’s ability to pay a certain amount; and (3) nevertheless, the trial court did comment that it considered Father’s ability to pay the amount over a period of time. *Id.* Accordingly, the Court held that Father’s obligation to reimburse Medicaid’s expenses was not imposed without prior notice and without an opportunity to be heard. It further held that the hearing in this case was appropriate to the nature of the obligation imposed by IC 31-14-17-1. *Id.* at 1168.