



Paternity

3/7/2003

In **In Re Paternity of M.R. v. Rose**, 784 N.E.2d 530 (Ind. Ct. App. 2003), the Court granted rehearing and issued its Opinion on Rehearing of 778 N.E. 2d 861 solely to clarify its opinion in light of the arguments made by Father in support of his Petition for Rehearing. In all other respects, it reaffirmed its original opinion. In response to Father's argument, the Court clarified that it recognized that Mother had the burden of proof on the issue of whether Georgia was the child's home state, but noted that Father's uncontradicted testimony to the effect that the child had lived in Georgia with Mother for the six months immediately prior to the filing of his paternity petition in Indiana, "satisfied that burden, and supported only the inference that the child resided in Georgia for six months before Father filed his petition." *Id.* at 531. In response to Father's other argument, the Court acknowledged that Father had the right to challenge the Georgia trial court's power to exercise personal jurisdiction over him. It clarified that its suggestion that Father could always choose to submit to the jurisdiction of the Georgia trial court was made only in response to Father's expressions of concerns about Mother's ability to secure a support order for the child in Georgia, and "in no way constituted, and could not possibly be regarded as, a command to Father to submit to the jurisdiction of the Georgia trial court." *Id.* at 532.