MEMORANDUM DECISION

APPELLANT PRO SE

Paris Donson
Indianapolis, Indiana

ATTORNEYS FOR INTERVENOR

Theodore E. Rokita
Attorney General of Indiana

Frances Barrow
Deputy Attorney General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

Paris Donson,
Appellant-Respondent,

v.

Dejah Thompson,
Appellee-Petitioner.

and

State of Indiana,
Intervenor.

November 12, 2021

Court of Appeals Case No. 21A-JP-1630

Appeal from the Marion Circuit Court.

The Honorable Sheryl Lynch, Judge

Trial Court Cause No. 49C01-1809-JP-39178

Altice, Judge.

Case Summary

[1] Paris Donson appeals the trial court's denial of his pro-se Motion to Terminate Judgment of Paternity and Support, which the trial court treated as an Indiana Trial Rule 60(B) motion for relief from judgment, challenging a paternity order issued in 2019. Donson's pro-se appellate arguments are difficult to unravel, but it is clear that he seeks to set aside the paternity order as void for lack of jurisdiction. He also appears to argue that the paternity order was not supported by sufficient evidence, directing us to DNA test results that he claims as a basis to disestablish paternity.

[2] We affirm.

Facts & Procedural History

[3] On September 28, 2018, the State filed a petition to establish paternity of and provide support for A.T., a child born to Dejah Thompson (Mother) in June 2018. The petition named Donson as A.T.'s father.

[4] The trial court conducted a paternity hearing on April 3, 2019. Donson appeared pro se at the hearing and challenged the trial court's jurisdiction over him. He refused to explain his jurisdictional challenge at the hearing, but in a Notice of Conditional Appearance filed a few days earlier with the trial court, he stated:

> I Donson, Paris (AGENT) of PARIS I DONSON, am strictly challenging personal jurisdiction of this court. I only consent if the plaintiff can provide a notarized affidavit sworn under

> penalty of perjury there is a injured party or if the plaintiff can present to the courts a contract that she and I has agreed to with a wet ink signature. If the plaintiff fail to provide those requirements, then it will be accepted as proof of lack of personal jurisdiction, I would then move for this case to be dismissed without prejudice. When I arrive April 3rd 2019, as an Independent Living Man with a soul. Not as a legal person, I will use my inhalable rights giving to me from ALMIGHTY GOD. See Indiana Constitution 1851 Article 1 sec.1 not intending to disrupt or disrespect the courts but only in honor and good standing.

Paris Donson Appendix at 12 (grammatical and spelling errors in original).

[5] In response to the jurisdictional challenge, the State informed the trial court of the address it had for Donson, which Donson refused to verify at the hearing. The State then responded, "Your Honor the State would move that since we served him at an address, he is here, he signed a return receipt that we have jurisdiction based on the fact that he lives in Indiana." *April 3, 2019 Hearing Transcript* at 4. The State also provided the trial court with "the envelope from when we served him." *Id*. at 5. The trial court then found that Donson had been "properly served" and was present at the hearing to "submit to the jurisdiction of the Court." *Id*.

[6] Donson refused to accept the jurisdictional ruling and repeatedly rebuffed the court's inquiry as to whether he wanted genetic testing. Thereafter, Mother testified that there was no doubt in her mind that Donson was A.T.'s father. Donson continued to be disruptive and spoke over others to make his claims of lack of jurisdiction. He did not present any evidence regarding paternity. The

trial court eventually adjudicated Donson as A.T.'s father and then turned to the issue of support, again without cooperation from Donson. After exercising great restraint and issuing a number of warnings, the trial court had Donson escorted out of the courtroom before resuming the hearing without him. Donson's weekly child support obligation was determined to be $100. The trial court issued its written judgment of paternity and support (the Paternity Order) that same day. Donson did not appeal the Paternity Order.

[7] More than a year later, on June 23, 2020, Donson filed a pro-se Motion to Vacate Judgment of Paternity and Support. In the motion, Donson argued that the Paternity Order was void for lack of personal jurisdiction because the State failed to prove on the record that he received proper service under Indiana Trial Rule 4.1. The State responded that the motion should be dismissed because the issue of jurisdiction had already been raised and ruled upon in the underlying action. Following a hearing on January 25, 2021, the trial court denied Donson's motion "because he was present and submitted himself to the jurisdiction of the court in the prior hearing." *Appellee's Appendix* at 17. Donson did not appeal from this order.

[8] About three months later, on April 5, 2021, Donson filed the instant Motion to Terminate Judgment of Paternity and Support, once again seeking to set aside the Paternity Order on the basis of lack of jurisdiction. In addition to asserting that the trial court lacked jurisdiction to enter the Paternity Order, Donson indicated that on March 30, 2021, which was nearly two years after the Paternity Order, he received the results of a DNA test "which give the court a

lawful reason to disestablish the unlawful order establishing paternity." *Paris Donson Appendix* at 15. Along with the motion, Donson filed DNA test results (Exhibit D), which did not identify the parties that were tested or the laboratory used and contained the following advisement:

> Since the samples were not collected under a strict chain of custody by a third neutral party, and the Laboratory cannot verify the origin of the samples, this test result may not be defensible in a court of law for the establishment of paternity and other legally related issues. The tested parties expressly understand that the result from this test is only for personal knowledge and curiosity.

Id. at 19.

[9] On July 7, 2021, a brief hearing on Donson's motion was held. Donson explained to the trial court that since the first paternity hearing he had been "challenging jurisdiction due to the fact that [he] was improperly served" and that now he was challenging paternity with a DNA test that he took in order to show that he was not A.T.'s father. *Transcript Vol. II* at 6. Upon the State's objection, the trial court determined that Exhibit D was inadmissible because it was missing "crucial identifying information" and lacked a proper chain of custody. *Id*. at 7. Donson agreed and asked for a "second paternity test through the courts," but the trial court explained that paternity had already been conclusively established. *Id*. at 8. Donson then returned to his argument that he had never been properly served and, thus, the Paternity Order was issued without jurisdiction. At the conclusion of the hearing, the trial court

denied Donson's motion, which it interpreted as an Indiana Trial Rule 60(B) motion for relief from judgment. Donson now appeals.

Discussion & Decision

[10] Donson's pro-se appellate arguments are exceedingly difficult to follow. He asserts that the trial court "erred by not establishing paternity and holding [him] as the biological and legal father of a child not his." *Appellant's Brief* at 6. In this regard, he argues that the Paternity Order was "obtained through lack of personam jurisdiction and the failure to establish paternity." *Id*. His arguments vacillate between jurisdictional assertions and challenges to the sufficiency of the evidence supporting the Paternity Order. And he references Exhibit D, without any acknowledgment that it was not admitted below.

[11] The State's observation that Donson's arguments lack cogency is apt,[1] but we choose to briefly address the merits, or lack thereof, of certain contentions. Initially, to the extent Donson challenges the sufficiency of the evidence supporting the Paternity Order, we observe that he did not appeal that order. Moreover, he cannot attack that ruling now with a DNA test, even if admissible, that he obtained two years later for the sole purpose of disestablishing paternity. *See Fairrow v. Fairrow*, 559 N.E.2d 597, 600 (Ind.

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[1] It is well established that a pro-se litigant will be held to the same legal standards as a licensed attorney and is required to follow the established rules of procedure and present cogent argument or risk waiver. *Picket Fence Prop. Co. v. Davis*, 109 N.E.3d 1021, 1029 (Ind. Ct. App. 2018), *trans. denied*. Further, we have consistently refused to become an advocate for a party or address arguments that are inappropriate or too poorly developed or expressed to be understood. *See, e.g., id.*; *Weaver v. Niederkorn*, 9 N.E.3d 220, 223 (Ind. Ct. App. 2014).

1990) ("One who comes into court to challenge a support order on the basis of non-paternity without externally obtained clear medical proof should be rejected as outside the equitable discretion of the trial court."); *Tirey v. Tirey*, 806 N.E.2d 360, 363 n. 2 (Ind. Ct. App. 2004) (clarifying that "externally obtained," as required by *Fairrow*, "means that the evidence establishing non-paternity was not actively sought by the putative father, but was discovered almost inadvertently in a manner that was unrelated to child support proceedings"), *trans. denied*.

[12] Regarding jurisdiction, Donson correctly observes that a judgment void for lack of personal jurisdiction may be collaterally attacked by a T.R. 60(B)(6) motion at any time. *See Hair v. Deutsche Bank Nat'l Tr. Co.*, 18 N.E.3d 1019, 1022 (Ind. Ct. App. 2014). That is not to say, however, that a claim of lack of personal jurisdiction may not be waived. *See Stidham v. Whelchel*, 698 N.E.2d 1152, 1155 (Ind. 1998) ("A claim of lack of personal jurisdiction may of course be waived."); *In re Paternity of T.M.Y.*, 725 N.E.2d 997, 1002 (Ind. Ct. App. 2000) ("Implicit in the *Stidham* holding is that any personal jurisdictional attack on a judgment must be made properly."), *trans. denied*.

[13] Here, Donson forfeited any right to appeal the trial court's alleged lack of jurisdiction when he did not timely appeal either the Paternity Order or the January 2021 order denying his first motion to set aside the Paternity Order for lack of jurisdiction, which was in substance a T.R. 60(B)(6) motion. *See In re Paternity of P.S.S.*, 934 N.E.2d 737, 740 (Ind. 2010) ("[A] motion for relief from judgment under Indiana Trial Rule 60(B) is not a substitute for a direct

appeal.”). The trial court expressly determined, during the April 2019 hearing, that it had personal jurisdiction over Donson, despite his challenge on this basis, and reaffirmed this conclusion in its January 2021 order. Instead of timely appealing either of these earlier final judgments, Donson chose, improperly, to file with the trial court a repetitive motion to set aside the Paternity Order based on lack of jurisdiction. Donson’s opportunity to make this jurisdictional challenge is over, and the issue of whether the trial court had personal jurisdiction over him is res judicata. To be clear, the Paternity Order is not void for lack of jurisdiction and any further challenges by Donson on this basis are meritless and should be outright dismissed without a hearing.

[14] Judgment affirmed.

Bradford, C. J. and Robb, J., concur.