

SENATE BILL No. 72

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-16-9.5.

Synopsis: Child support payments. Allows a noncustodial parent to petition a court to order escrow of child support payments whenever the custodial parent: (1) resides outside Indiana; and (2) fails to respond to a subpoena relating to a child support, custody, or visitation proceeding. Provides that whenever a court finds that the custodial parent has failed to respond to a subpoena as described in the petition, the court shall order the clerk of court to hold future child support payments in an escrow account until the custodial parent submits to the jurisdiction of the court. Specifies that the court may not order escrow of child support payments unless the court determines the order is not likely to adversely affect the best interests of the child.

Effective: July 1, 1998.

Waterman

January 6, 1998, read first time and referred to Committee on Judiciary.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 72

A BILL FOR AN ACT to amend the Indiana Code concerning family law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-16-9.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]:
4 **Chapter 9.5. Escrowing of Child Support Payments for Failure**
5 **to Respond to a Subpoena**
6 **Sec. 1. This chapter applies to child support payments ordered**
7 **under IC 31-14, IC 31-15-2, IC 31-15-3, and IC 31-16-2.**
8 **Sec. 2. If a custodial parent:**
9 (1) resides outside Indiana; and
10 (2) fails to respond to a subpoena relating to a child support,
11 custody, or visitation proceeding;
12 **the noncustodial parent may petition the court to order the clerk**
13 **of court to hold child support payments in an escrow account until**
14 **the custodial parent submits to the jurisdiction of the court.**
15 **Sec. 3. (a) Except as provided in section 4 of this chapter, if the**
16 **court finds that the custodial parent has failed to respond to a**
17 **subpoena as described in the petition, the court shall order the**

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1 clerk of the court to hold future child support payments in an
2 escrow account until further order of the court.

3 (b) The court shall order the clerk of court to release child
4 support payments held under this chapter to the custodial parent
5 when the custodial parent submits to the jurisdiction of the court.

6 Sec. 4. A court may not order escrow of child support payments
7 under section 3(a) of this chapter unless the court determines the
8 order is not likely to adversely affect the best interests of the child.

