

SENATE BILL No. 106

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-14-11-3; IC 31-14-11-4; IC 31-14-11-18; IC 31-16-2-4; IC 31-16-6-2; IC 31-16-6-6.

Synopsis: Child support and educational expenses. Provides that a court may not order a parent in cases arising out of dissolution of marriage or paternity to pay for a child's expenses at an institution of higher learning. Lowers the general age of emancipation from 21 to 19 years of age. Makes conforming changes.

Effective: July 1, 1998.

Meeks

January 8, 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. 106

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 31-14-11-3, AS ADDED BY P.L.1-1997,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 3. (a) Where appropriate, the support order may
4 include:
5 (1) money for the child's education beyond grade 12, after the
6 court has considered:
7 (A) the child's aptitude and ability;
8 (B) the child's reasonable ability to contribute to educational
9 expenses through:
10 (i) work;
11 (ii) obtaining loans; and
12 (iii) obtaining other sources of financial aid reasonably
13 available to the child and the parent or parents; and
14 (C) the ability of the parents to meet these expenses;
15 (2) (1) special medical, hospital, or dental expenses necessary to
16 serve the best interests of the child;
17 (3) (2) fees mandated under Title IV-D of the federal Social

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1 Security Act (42 U.S.C. 651 through 669); and
 2 ~~(4)~~ **(3)** basic health and hospitalization insurance coverage for the
 3 child.

4 (b) If, however, the Title IV-D agency initiates action to establish or
 5 modify a support obligation and petitions the court to include basic
 6 health and hospitalization insurance coverage in the support order, the
 7 court shall consider including a provision for this insurance coverage
 8 if the insurance coverage is available to the parent at reasonable cost.

9 SECTION 2. IC 31-14-11-18, AS ADDED BY P.L.1-1997,
 10 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 1998]: Sec. 18. The duty to support a child under this article
 12 (or IC 31-6-6.1 before its repeal) ceases when the child becomes
 13 ~~twenty-one (21)~~ **nineteen (19)** years of age unless either of the
 14 following conditions occurs:

15 (1) The child is emancipated before the child becomes ~~twenty-one~~
 16 ~~(21)~~ **nineteen (19)** years of age ~~If this occurs, the child support,~~
 17 ~~except for educational needs, terminates at the time of~~
 18 ~~emancipation. However, an order for educational needs may~~
 19 ~~continue in effect until further order of the court. as described in~~
 20 **IC 31-16-6-6(2).**

21 (2) The child is incapacitated. If this occurs, the child support
 22 continues during the incapacity or until further order of the court.

23 SECTION 3. IC 31-16-2-4, AS ADDED BY P.L.1-1997, SECTION
 24 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 25 1998]: Sec. 4. A petition for child support:

- 26 (1) must be verified; and
 27 (2) must set forth the following:
 28 (A) The relationship of the parties.
 29 (B) The present residence of each party.
 30 (C) The names and addresses of:
 31 (i) each living child less than ~~twenty-one (21)~~ **nineteen (19)**
 32 years of age; and
 33 (ii) each incapacitated child;
 34 of the marriage.
 35 (D) The relief sought.

36 SECTION 4. IC 31-16-6-2, AS ADDED BY P.L.1-1997, SECTION
 37 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 38 1998]: Sec. 2. ~~(a)~~ The child support order or an educational support
 39 order may also include, where appropriate:

- 40 (1) amounts for the child's education in elementary and secondary
 41 schools, ~~and at institutions of higher learning,~~ taking into account
 42 ~~(A)~~ the child's aptitude and ability



- 1 ~~(B)~~ the child's reasonable ability to contribute to educational
 2 expenses through:
 3 (i) work;
 4 (ii) obtaining loans; and
 5 (iii) obtaining other sources of financial aid reasonably
 6 available to the child and each parent; and
 7 ~~(C)~~ the ability of each parent to meet these expenses;
 8 (2) special medical, hospital, or dental expenses necessary to
 9 serve the best interests of the child; and
 10 (3) fees mandated under Title IV-D of the federal Social Security
 11 Act (42 U.S.C. 651 through 669).

12 ~~(b)~~ If the court orders support for a child's educational expenses at
 13 an institution of higher learning under subsection (a), the court shall
 14 reduce other child support for that child that:

- 15 ~~(1)~~ is duplicated by the educational support order; and
 16 ~~(2)~~ would otherwise be paid to the custodial parent.

17 SECTION 5. IC 31-16-6-6, AS ADDED BY P.L.1-1997, SECTION
 18 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 19 1998]: Sec. 6. ~~(a)~~ The duty to support a child under this chapter ceases
 20 when the child becomes ~~twenty-one (21)~~ **nineteen (19)** years of age
 21 unless any of the following conditions occurs:

22 ~~(1)~~ The child is emancipated before becoming ~~twenty-one (21)~~
 23 years of age. In this case the child support, except for the
 24 educational needs outlined in section ~~2(a)(1)~~ of this chapter,
 25 terminates at the time of emancipation; although an order for
 26 educational needs may continue in effect until further order of the
 27 court.

28 ~~(2)~~ (1) The child is incapacitated. In this case the child support
 29 continues during the incapacity or until further order of the court.

30 ~~(3)~~ (2) The child is emancipated before becoming **nineteen (19)**
 31 years of age if the court finds that the child:

- 32 (A) is at least eighteen (18) years of age;
 33 (B) has not attended a secondary ~~or postsecondary~~ school for
 34 the prior four (4) months and is not enrolled in a secondary ~~or~~
 35 postsecondary school; and
 36 (C) is or is capable of supporting himself or herself through
 37 employment.

38 In this case the child support terminates upon the court's finding
 39 that the conditions prescribed in this subdivision exist. However,
 40 if the court finds that the conditions set forth in clauses (A)
 41 through (C) are met but that the child is only partially supporting
 42 or is capable of only partially supporting himself or herself, the



1 court may order that support be modified instead of terminated.
2 ~~(b) For purposes of determining if a child is emancipated under~~
3 ~~subsection (a)(1); If the court finds that~~
4 **(3) The child is emancipated before becoming nineteen (19)**
5 **years of age if the court finds that** the child:
6 ~~(1) (A)~~ has joined the United States armed services;
7 ~~(2) (B)~~ has married; or
8 ~~(3) (C)~~ is not under the care or control of
9 ~~(A)~~ either parent or
10 ~~(B)~~ an individual or agency approved by the court.
11 **If clause (A), (B), or (C) applies,** the court shall find the child
12 emancipated and terminate the child support.
13 SECTION 6. IC 31-14-11-4 IS REPEALED [EFFECTIVE JULY 1,
14 1998].

