



April 6, 1999

# ENGROSSED HOUSE BILL No. 1590

DIGEST OF HB1590 (Updated February 16, 1999 5:38 pm - DI 84)

**Citations Affected:** IC 12-17; IC 16-37; IC 22-3; IC 31-11; IC 31-14; IC 31-16; IC 31-18.

**Synopsis:** Child support enforcement. Requires the state Title IV-D agency to contract with certain persons to undertake activities required to be performed under Title IV-D of the federal Social Security Act including establishment of paternity, and establishment, enforcement, and to petition for modification of child support orders. Makes income withholding orders applicable to all categories of worker's compensation payments. Applies the chain of custody requirements in paternity testing to genetic testing. Requires that before a child support  
(Continued next page)

**Effective:** July 1, 1999; October 1, 1999.

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**Dvorak, Mahern**  
(SENATE SPONSORS — SIMPSON, BRAY)

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January 21, 1999, read first time and referred to Committee on Judiciary.  
February 10, 1999, amended, reported — Do Pass.  
February 15, 1999, read second time, ordered engrossed. Engrossed.  
February 16, 1999, read third time, passed. Yeas 68, nays 27.

SENATE ACTION

March 11, 1999, read first time and referred to Committee on Judiciary.  
April 5, 1999, amended, reported favorably — Do Pass.

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order may be issued or modified or a paternity affidavit may be properly executed, the child's Social Security number must be provided. Requires an application for a marriage license to contain each of the applicant's Social Security numbers. Specifies that the state's parent locator service applies to a parent who owes child support in addition to a parent who has abandoned or deserted a child. Allows for the attachment of an insurance claim or settlement if the purpose is to fulfill a child support obligation. Requires incentive funds to be used for Title IV-D program activities. Makes changes to bring Indiana into compliance with the Uniform Interstate Family Support Act.

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April 6, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

## ENGROSSED HOUSE BILL No. 1590

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

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

1 SECTION 1. IC 12-17-2-16 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16. (a) The bureau or  
3 its agents shall administer the state's parent locator service. The bureau  
4 shall make all necessary requests and responses to the federal parent  
5 locator service and to the parent locator services of the other states.  
6 (b) To carry out the bureau's responsibilities under this chapter, the  
7 bureau or its agents, through the parent locator service, may request  
8 information and assistance from a state, county, city, or town agency.  
9 Officers and employees of a state, county, city, or town agency shall  
10 cooperate with the bureau in determining the location of a parent who:  
11 (1) **owes child support; or**  
12 (2) has abandoned or deserted a child;  
13 by providing the pertinent information relative to the location, income,  
14 and property of the parent, notwithstanding a statute making the  
15 information confidential.

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1 (c) Each person doing business in Indiana shall provide the bureau  
 2 or its agents with the following information, if available, upon  
 3 certification by the parent locator service that the information is for the  
 4 purpose of locating a parent ~~of an~~ **who owes child support or who has**  
 5 **abandoned or deserted a child** and that the information obtained is to  
 6 be treated as confidential by the child support bureau, agency, or  
 7 division of any other state to which the information is released,  
 8 notwithstanding a statute making the following information  
 9 confidential:

- 10 (1) Full name of the parent.
- 11 (2) Social Security number of the parent.
- 12 (3) Date of birth of the parent.
- 13 (4) Address of the parent's residence.
- 14 (5) Amount of wages earned by the parent.
- 15 (6) Number of dependents claimed by the parent on state and
- 16 federal tax withholding forms.
- 17 (7) Name and address of the parent's employer.
- 18 (8) Name and address of any financial institution maintaining an
- 19 account for the parent.
- 20 (9) Address of any real property owned by the parent.
- 21 (10) Name and address of the parent's health insurance carrier and
- 22 health coverage policy number.

23 (d) A person may not knowingly refuse to give the bureau or its  
 24 agents the following:

- 25 (1) The name of a parent of a child for whom the state is
- 26 providing public assistance.
- 27 (2) Information that may assist the parent locator service in
- 28 locating the parent of a child.

29 (e) Information obtained under subsection (a) may not be used in a  
 30 criminal prosecution against the informant.

31 (f) A person may not knowingly give the bureau the incorrect name  
 32 of a parent of a child or knowingly give the parent locator service  
 33 incorrect information on the parent's whereabouts for the purpose of  
 34 concealing the identity of the real parent of the child or the location of  
 35 the parent.

36 SECTION 2. IC 12-17-2-18 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. (a) The bureau shall  
 38 make the agreements necessary for the effective administration of the  
 39 plan with local governmental officials within Indiana. The bureau shall  
 40 contract with:

- 41 (1) a prosecuting attorney; or
- 42 (2) a private attorney if the bureau determines that a reasonable

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1 contract cannot be entered into with a prosecuting attorney and  
 2 the determination is approved by at least two-thirds (2/3) of the  
 3 Indiana child custody and support advisory committee  
 4 (established under IC 33-2.1-10-1);

5 in each judicial circuit to undertake activities required to be performed  
 6 under Title IV-D of the federal Social Security Act (42 U.S.C. 651),  
 7 including ~~determination~~ **establishment** of paternity, ~~determination~~  
 8 **establishment, and enforcement, and to petition for modification** of  
 9 child support **orders**, activities under the Uniform Reciprocal  
 10 Enforcement of Support Act (IC 31-2-1, before its repeal) or the  
 11 Uniform Interstate Family Support Act (IC 31-18, or IC 31-1.5 before  
 12 its repeal), and if the contract is with a prosecuting attorney,  
 13 prosecutions of welfare fraud.

14 (b) The hiring of an attorney by an agreement or a contract made  
 15 under this section is not subject to the approval of the attorney general  
 16 under IC 4-6-5-3. An agreement or a contract made under this section  
 17 is not subject to IC 4-13-2-14.3 or IC 5-22.

18 SECTION 3. IC 12-17-2-26 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE OCTOBER 1, 1999]: Sec. 26. (a) The Title  
 20 IV-D agency shall provide incentive payments to counties for enforcing  
 21 and collecting the support rights that have been assigned to the state.  
 22 The incentive payments shall be made by the Title IV-D agency  
 23 directly to the county and deposited in the county treasury for  
 24 distribution on a quarterly basis and in equal shares to the following:

- 25 (1) The county general fund.
- 26 (2) The operating budget of the prosecuting attorney.
- 27 (3) The operating budget of the circuit court clerk.

28 (b) Notwithstanding IC 36-2-5-2(b), distribution from the county  
 29 treasury under subsection (a) shall be made without the necessity of  
 30 first obtaining an appropriation from the county fiscal body.

31 (c) The amount that a county receives and the terms under which the  
 32 incentive payment is paid must be in accordance with ~~Section 458 of~~  
 33 ~~United States Public Law 93-647, as amended, 42 U.S.C. 658 and 42~~  
 34 ~~U.S.C. 658A~~ and the federal regulations promulgated under the ~~statute:~~  
 35 **statutes.** However, amounts received as incentive payments may not,  
 36 without the approval of the county fiscal body, be used to increase or  
 37 supplement the salary of an elected official. **The amounts received as**  
 38 **incentive payments must be used to supplement, rather than take**  
 39 **the place of, other funds used for Title IV-D program activities.**

40 SECTION 4. IC 16-37-2-2.1 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.1. (a) A paternity  
 42 affidavit may be executed as provided in this section through:

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- 1 (1) a hospital; or  
 2 (2) a local health department.
- 3 (b) Immediately before or after the birth of a child who is born out  
 4 of wedlock, a person who attends or plans to attend the birth, including  
 5 personnel of all public or private birthing hospitals, shall:  
 6 (1) provide an opportunity for:  
 7 (A) the child's mother; and  
 8 (B) a man who reasonably appears to be the child's biological  
 9 father;  
 10 to execute an affidavit acknowledging paternity of the child; and  
 11 (2) verbally explain to the individuals listed in subdivision (1) the  
 12 legal effects of an executed paternity affidavit as described in  
 13 subsection (g).
- 14 (c) A paternity affidavit must be executed on a form provided by the  
 15 state department. The paternity affidavit is valid only if the affidavit is  
 16 executed as follows:  
 17 (1) If executed through a hospital, the paternity affidavit must be  
 18 completed not more than seventy-two (72) hours after the child's  
 19 birth.  
 20 (2) If executed through a local health department, the paternity  
 21 affidavit must be completed before the child has reached the age  
 22 of emancipation.
- 23 (d) A paternity affidavit is not valid if it is executed after the mother  
 24 of the child has executed a consent to adoption of the child and a  
 25 petition to adopt the child has been filed.
- 26 (e) A paternity affidavit executed under this section must contain or  
 27 be attached to all of the following:  
 28 (1) The mother's sworn statement asserting that a person  
 29 described in subsection (a)(2) is the child's biological father.  
 30 (2) A statement by a person identified as the father under  
 31 subdivision (1) attesting to a belief that he is the child's biological  
 32 father.  
 33 (3) Written information furnished by the division of family and  
 34 children:  
 35 (A) explaining the effect of an executed paternity affidavit as  
 36 described in subsection (g); and  
 37 (B) describing the availability of child support enforcement  
 38 services.  
 39 (4) The Social Security number of each parent.  
 40 **(5) The child's Social Security number.**  
 41 (f) A woman who knowingly or intentionally falsely names a man  
 42 as the child's biological father under this section commits a Class A



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1 misdemeanor.

2 (g) A paternity affidavit executed under this section:

- 3 (1) establishes paternity; and  
 4 (2) gives rise to parental rights and responsibilities of the person  
 5 described in subsection (e)(2), including the right of the child's  
 6 mother or the Title IV-D agency to obtain a child support order  
 7 against the person.

8 However, if a paternity affidavit is executed under this section, the  
 9 child's mother has sole legal custody of the child unless another  
 10 custody determination is made by a court in a proceeding under  
 11 IC 31-14.

12 (h) Notwithstanding any other law, any person listed in IC 31-14-4-1  
 13 or IC 31-14-4-3 may, within sixty (60) days of the date that a paternity  
 14 affidavit is executed under this section, file an action in a court with  
 15 jurisdiction over paternity to have the paternity affidavit set aside.

16 (i) A paternity affidavit that is properly executed under this section  
 17 may not be rescinded more than sixty (60) days after the paternity  
 18 affidavit is executed except in cases of fraud, duress, or material  
 19 mistake of fact.

20 (j) Unless good cause is shown, a court shall not suspend the legal  
 21 responsibilities under subsection (g)(2) of a party to the executed  
 22 paternity affidavit during a challenge to the affidavit.

23 (k) The court shall set aside the paternity affidavit upon a showing  
 24 from a blood or genetic test that sufficiently demonstrates that the  
 25 person who executed the paternity affidavit is not the child's biological  
 26 father.

27 (l) If a paternity affidavit is not executed under subsection (b), the  
 28 hospital where the birth occurs or a person in attendance at the birth  
 29 shall inform the child's mother of services available for establishing  
 30 paternity.

31 SECTION 5. IC 22-3-2-17 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. (a) Except as  
 33 provided in subsection (b), no claims for compensation under IC 22-3-2  
 34 through IC 22-3-6 shall be assignable, and all compensation and claims  
 35 therefor shall be exempt from all claims of creditors.

36 (b) Compensation awards under ~~IC 22-3-3-8~~ **IC 22-3-2 through**  
 37 **IC 22-3-6** are subject to child support income withholding under  
 38 IC 31-16-15 and other remedies available for the enforcement of a  
 39 child support order. The maximum amount that may be withheld under  
 40 this subsection is one-half (1/2) of the compensation award.

41 SECTION 6. IC 31-11-4-4 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) An application

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1 for a marriage license must be written and verified. The application  
2 must contain the following information concerning each of the  
3 applicants:

- 4 (1) Full name **and Social Security number.**
- 5 (2) Birthplace.
- 6 (3) Residence.
- 7 (4) Age.
- 8 (5) Names of dependent children.
- 9 (6) Full name, including the maiden name of a mother, last known  
10 residence, and, if known, the place of birth of:
  - 11 (A) the birth parents of the applicant if the applicant is not  
12 adopted; or
  - 13 (B) the adoptive parents of the applicant if the applicant is  
14 adopted.
- 15 (7) A statement of facts necessary to determine whether any legal  
16 impediment to the proposed marriage exists.
- 17 (8) Except as provided in subsection (d), an acknowledgment that  
18 both applicants must sign, affirming that the applicants have  
19 received the information described in section 5 of this chapter,  
20 including a list of test sites for the virus that causes AIDS  
21 (acquired immune deficiency syndrome). The acknowledgment  
22 required by this subdivision must be in the following form:

23 **ACKNOWLEDGMENT**

24 I acknowledge that I have received information regarding dangerous  
25 communicable diseases that are sexually transmitted and a list of test  
26 sites for the virus that causes AIDS (acquired immune deficiency  
27 syndrome).

28 \_\_\_\_\_  
29 Signature of Applicant Date

30 \_\_\_\_\_  
31 Signature of Applicant Date

32 (b) The clerk of the circuit court shall record the application,  
33 including the license and certificate of marriage, in a book provided for  
34 that purpose. This book is a public record.

35 (c) The state department of health shall develop uniform forms for  
36 applications for marriage licenses. The state department of health shall  
37 furnish these forms to the circuit court clerks. The state department of  
38 health may periodically revise these forms.

39 (d) Notwithstanding subsection (a), a person who objects on  
40 religious grounds is not required to:

- 41 (1) verify the application under subsection (a) by oath or  
42 affirmation; or

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1 (2) sign the acknowledgment described in subsection (a)(8).  
 2 However, before the clerk of the circuit court may issue a marriage  
 3 license to a member of the Old Amish Mennonite church, the bishop  
 4 of that member must sign a statement that the information in the  
 5 application is true.

6 (e) If a person objects on religious grounds to:

7 (1) verifying the application under subsection (a) by oath or  
 8 affirmation; or

9 (2) signing the acknowledgment described in subsection (a)(8);  
 10 the clerk of the circuit court shall indicate that fact on the application  
 11 for a marriage license.

12 SECTION 7. IC 31-14-6-5 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The chain of custody  
 14 of blood **or genetic** specimens taken for testing may be established  
 15 through verified documentation of each change of custody if:

16 (1) the documentation was made at or around the time of the  
 17 change of custody;

18 (2) the documentation was made in the course of a regularly  
 19 conducted business activity; and

20 (3) the documentation was made as a regular practice of a  
 21 business activity.

22 SECTION 8. IC 31-14-11-15 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. At the time of the  
 24 issuance or modification of a support order, the parties affected by the  
 25 order shall inform the clerk of:

26 (1) any change of address and any other conditions that may affect  
 27 the administration of the order; ~~and~~

28 (2) whether any of the parties is receiving or has received  
 29 assistance under the federal Aid to Families with Dependent  
 30 Children program (42 U.S.C. 601 et seq.); **and**

31 **(3) the Social Security number of any child affected by the**  
 32 **order.**

33 SECTION 9. IC 31-16-9-3 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. At the time of the  
 35 issuance or modification of a support order, the parties affected by the  
 36 order shall inform the clerk of the court of:

37 (1) any change of address or other conditions that may affect the  
 38 administration of the order; ~~and~~

39 (2) whether any of the parties is receiving or has received  
 40 assistance under the federal Aid to Families with Dependent  
 41 Children program (42 U.S.C. 601 et seq.); **and**

42 **(3) the Social Security number of any child affected by the**

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**order.**

SECTION 10. IC 31-18-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. "Initiating state" means a state in which a proceeding **is forwarded or in which a proceeding is filed for forwarding to a responding state** under:

- (1) this article or a law substantially similar to this article;
- (2) the Uniform Reciprocal Enforcement of Support Act; or
- (3) the Revised Uniform Reciprocal Enforcement of Support Act.

~~is filed for forwarding to a responding state.~~

SECTION 11. IC 31-18-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. "Obligee" or ~~"petitioner"~~ means:

- (1) an individual to whom a duty of support is owed or is alleged to be owed or in whose favor a:
  - (A) support order has been issued; or
  - (B) judgment determining paternity has been entered;
- (2) a state or political subdivision to which the rights under a duty of support or support order have been assigned or that has independent claims based on financial assistance provided to an individual obligee; or
- (3) an individual seeking a judgment to establish paternity of the individual's child.

SECTION 12. IC 31-18-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. "Obligor" or ~~"respondent"~~ means an individual or the estate of a decedent who:

- (1) owes or is alleged to owe a duty of support;
- (2) is alleged to be, but has not been adjudicated to be, a parent of a child; or
- (3) is liable under a support order.

SECTION 13. IC 31-18-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. "Responding state" means a state to which a proceeding is **filed or to which a proceeding is forwarded for filing from an initiating state** under:

- (1) this article or a law substantially similar to this article;
- (2) the Uniform Reciprocal Enforcement of Support Act; or
- (3) the Revised Uniform Reciprocal Enforcement of Support Act.

SECTION 14. IC 31-18-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. "State" means:

- (1) a state of the United States;
- (2) the District of Columbia;
- (3) the Commonwealth of Puerto Rico; or
- (4) any territory or insular possession subject to the jurisdiction

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1 of the United States.  
 2 The term includes an Indian tribe and a foreign jurisdiction that ~~has~~  
 3 **have enacted a law or** established procedures for issuing and  
 4 enforcing support orders that are substantially similar to the procedures  
 5 under this article **or the procedures under the Uniform Reciprocal**  
 6 **Enforcement of Support Act or the Revised Uniform Reciprocal**  
 7 **Enforcement of Support Act.**

8 SECTION 15. IC 31-18-1-25 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 25. "Tribunal" means  
 10 a court, an administrative agency, or a quasi-judicial entity authorized  
 11 to establish, enforce, or modify support orders or to determine  
 12 paternity. In referring to an Indiana tribunal **acting as an authorized**  
 13 **responding court** under this article, the term means a court that is  
 14 authorized to establish, enforce, or modify support orders or establish  
 15 paternity but does not include an administrative agency or a  
 16 quasi-judicial entity.

17 SECTION 16. IC 31-18-2-7 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) If a proceeding  
 19 is brought under this article and one (1) or more child support orders  
 20 have been issued in Indiana or another state with regard to an obligor  
 21 and a child, an Indiana tribunal shall apply the following rules in  
 22 determining which order to recognize for purposes of continuing,  
 23 exclusive jurisdiction:

24 (1) If only one (1) tribunal has issued a child support order, the  
 25 order of that tribunal **is controlling and** must be recognized.

26 (2) If two (2) or more tribunals have issued child support orders  
 27 for the same obligor and child, and only one (1) of the tribunals  
 28 has continuing, exclusive jurisdiction in accordance with this  
 29 article, the order of that tribunal **is controlling and** must be  
 30 recognized.

31 (3) If two (2) or more tribunals have issued child support orders  
 32 for the same obligor and child, and more than one (1) of the  
 33 tribunals has continuing, exclusive jurisdiction in accordance with  
 34 this article, an order issued by a tribunal in the current home state  
 35 of the child must be recognized. However, if an order has not  
 36 been issued in the current home state of the child, the order most  
 37 recently issued must be recognized.

38 (4) If two (2) or more tribunals have issued child support orders  
 39 for the same obligor and child, and none of the tribunals has  
 40 continuing, exclusive jurisdiction in accordance with this article,  
 41 the Indiana tribunal ~~may~~ **shall** issue a child support order that **is**  
 42 **controlling and** must be recognized.

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1 (b) The tribunal that has issued an order recognized under  
2 subsection (a) is the tribunal having continuing, exclusive jurisdiction.

3 (c) **If two (2) or more child support orders have been issued for**  
4 **the same obligor and child and if the obligor or the individual**  
5 **obligee resides in Indiana, a party may request an Indiana tribunal**  
6 **to determine which order controls and must be recognized under**  
7 **subsection (a). The request must be accompanied by a certified**  
8 **copy of all support orders in effect. Each party whose rights may**  
9 **be affected by a determination of the controlling order must be**  
10 **given notice of the request for that determination.**

11 SECTION 17. IC 31-18-2-7.5 IS ADDED TO THE INDIANA  
12 CODE AS A NEW SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 1999]: **Sec. 7.5. (a) An Indiana tribunal that:**

14 (1) **determines by order the identity of the controlling child**  
15 **support order under section 7(a)(1), 7(a)(2), or 7(a)(3) of this**  
16 **chapter; or**

17 (2) **issues a new controlling child support order under section**  
18 **7(a)(4) of this chapter;**

19 **shall include in that order the basis upon which the tribunal made**  
20 **the determination.**

21 (b) **Not later than thirty (30) days after issuance of the order**  
22 **determining the identity of the controlling order, the party**  
23 **obtaining the order shall file a certified copy of the order with each**  
24 **tribunal that has issued or registered an earlier order of child**  
25 **support. Failure of the party obtaining the order to file a certified**  
26 **copy as required subjects the party to appropriate sanctions by a**  
27 **tribunal in which the issue of failure to file arises. However, the**  
28 **failure has no effect on the validity or enforceability of the**  
29 **controlling order.**

30 SECTION 18. IC 31-18-3-4 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 4. (a) Upon the filing**  
32 **of a petition authorized by this article, an initiating Indiana tribunal**  
33 **shall forward three (3) copies of the petition and its accompanying**  
34 **documents to:**

35 (1) **the responding tribunal; or**

36 (2) **an appropriate support enforcement agency in the responding**  
37 **state.**

38 However, if the identity of the responding tribunal is unknown, the  
39 copies must be forwarded to the state information agency of the  
40 responding state with a request for the copies to be forwarded to the  
41 appropriate tribunal and for receipt to be acknowledged.

42 (b) **If a responding state has not enacted the Uniform Interstate**

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1 **Family Support Act or a law or procedure substantially similar to**  
 2 **the Uniform Interstate Family Support Act, an Indiana tribunal**  
 3 **may issue a certificate or other documents and make findings**  
 4 **required by the law of the responding state. If the responding state**  
 5 **is a foreign jurisdiction, the tribunal may specify the amount of**  
 6 **support sought and provide other documents necessary to satisfy**  
 7 **the requirements of the responding state.**

8 SECTION 19. IC 31-18-3-7 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) An Indiana Title  
 10 IV-D agency, upon request, shall provide services to a petitioner **who**  
 11 **is an obligee** in a proceeding under this article.

12 (b) A Title IV-D agency, or its agents, that is providing services to  
 13 the petitioner under this article shall:

14 (1) take the steps necessary to enable an appropriate Indiana  
 15 tribunal or another state to obtain jurisdiction over the respondent;

16 (2) request an appropriate tribunal to set a date, time, and place  
 17 for a hearing;

18 (3) make a reasonable effort to obtain all relevant information,  
 19 including information regarding income and property of the  
 20 parties;

21 (4) not later than ten (10) days, exclusive of Saturdays, Sundays,  
 22 and legal holidays, after receipt of a written notice from an  
 23 initiating, a responding, or a registering tribunal, send a copy of  
 24 the notice by first class mail to the petitioner;

25 (5) not later than ten (10) days, exclusive of Saturdays, Sundays,  
 26 and legal holidays, after receipt of a written communication from  
 27 the respondent or the respondent's attorney, send a copy of the  
 28 communication by first class mail to the petitioner; and

29 (6) notify the petitioner if jurisdiction over the respondent may  
 30 not be obtained.

31 (c) This article does not create or negate:

32 (1) an attorney-client; or

33 (2) other fiduciary;

34 relationship between an attorney for either the Title IV-D agency or its  
 35 agents and the individual being assisted.

36 SECTION 20. IC 31-18-5-1 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) An income  
 38 withholding order issued in another state may be sent by first class mail  
 39 to the person or entity defined as the obligor's income payor under  
 40 Indiana's income withholding law under IC 31-16-15 without first filing  
 41 a petition or registering the order with an Indiana tribunal. Upon receipt  
 42 of the order, the income payor shall:

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- 1 (1) treat an income withholding order issued in another state that
- 2 appears regular on its face as if the order had been issued by an
- 3 Indiana tribunal;
- 4 (2) immediately provide a copy of the order to the obligor; and
- 5 (3) distribute the funds as ~~directed in the income withholding~~
- 6 ~~order: specified in section 1.1 of this chapter.~~

7 (b) An obligor may contest the validity or enforcement of an income  
 8 withholding order issued in another state in the same manner as if the  
 9 order had been issued by an Indiana tribunal. IC 31-18-6 applies to the  
 10 contest.

- 11 (c) The obligor shall give notice of the contest under this section to:
- 12 (1) any support enforcement agency providing services to the
- 13 obligee; and
- 14 (2) a person or an agency designated in the income withholding
- 15 order to receive payments, or if a person or an agency is not
- 16 designated, the obligee.

17 SECTION 21. IC 31-18-5-1.1 IS ADDED TO THE INDIANA  
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 1999]: **Sec. 1.1. (a) Except as provided in**  
 20 **subsection (b) and IC 31-18-6-2.1, an employer shall withhold and**  
 21 **distribute the funds as directed in a withholding order by**  
 22 **complying with the applicable terms of the order that specify the**  
 23 **following:**

- 24 (1) **The duration and the amount of periodic payments of**
- 25 **current child support, stated as a certain sum.**
- 26 (2) **The person or agency designated to receive payments and**
- 27 **the address to which the payments are to be forwarded.**
- 28 (3) **Medical support, whether in the form of periodic cash**
- 29 **payments, stated as a certain sum, or an order to the obligor**
- 30 **to provide health insurance coverage for the child under a**
- 31 **policy available through the obligor's employment.**
- 32 (4) **The amount of periodic payments of fees and costs for a**
- 33 **support enforcement agency, the issuing tribunal, and the**
- 34 **obligee's attorney, stated as a certain sum.**
- 35 (5) **The amount of periodic payments of arrears and interest**
- 36 **on arrears, stated as a certain sum.**

37 (b) **The employer shall comply with the law of the state of the**  
 38 **obligor's principal place of employment for withholding from**  
 39 **income with respect to:**

- 40 (1) **the employer's fee for processing an income withholding**
- 41 **order or credit;**
- 42 (2) **the maximum amount permitted to be withheld from the**

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1           **obligor's income; and**  
2           **(3) the periods within which the employer must implement the**  
3           **withholding order and forward the child support payment.**

4           SECTION 22. IC 31-18-5-2 IS AMENDED TO READ AS  
5           FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Whenever  
6           enforcement is sought for:

- 7           (1) a support order;
- 8           (2) an income withholding order; or
- 9           (3) both;

10          issued **in a Title IV-D case** by a tribunal of another state, documents  
11          required for registering the order may be sent to the Title IV-D agency  
12          of Indiana.

13          (b) Upon receipt of the documents, the Title IV-D agency, without  
14          initially seeking to register the order, shall consider and, if appropriate,  
15          use any administrative procedure authorized by Indiana law to enforce  
16          a support order or an income withholding order or both.

17          (c) If the obligor does not contest administrative enforcement, the  
18          Title IV-D agency is not required to register the order. If no  
19          administrative procedure authorized by Indiana law is used, the Title  
20          IV-D agency shall send the documents required for registering the  
21          order to the appropriate Title IV-D agency.

22          SECTION 23. IC 31-18-6-2.1 IS ADDED TO THE INDIANA  
23          CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
24          [EFFECTIVE JULY 1, 1999]: **Sec. 2.1. If an obligor's employer**  
25          **receives multiple orders to withhold support from the earnings of**  
26          **the same obligor, the employer shall be considered to have satisfied**  
27          **the terms of the multiple orders if the law of the state of the**  
28          **obligor's principal place of employment to establish the priorities**  
29          **for withholding and allocating income withheld from multiple child**  
30          **support obligees is complied with.**

31          SECTION 24. IC 31-18-6-2.2 IS ADDED TO THE INDIANA  
32          CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
33          [EFFECTIVE JULY 1, 1999]: **Sec. 2.2. An employer who complies**  
34          **with an income withholding order issued in another state in**  
35          **accordance with this article is not subject to civil liability to any**  
36          **individual or agency with regard to the employer's withholding**  
37          **child support from the obligor's income.**

38          SECTION 25. IC 31-18-6-2.3 IS ADDED TO THE INDIANA  
39          CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
40          [EFFECTIVE JULY 1, 1999]: **Sec. 2.3. An employer who willfully**  
41          **fails to comply with an income withholding order issued by another**  
42          **state and received for enforcement is subject to the same penalties**

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1 **that may be imposed for noncompliance with an order issued by a**  
 2 **tribunal of this state.**

3 SECTION 26. IC 31-18-6-3 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A support order  
 5 or an income withholding order issued in another state is registered  
 6 when the order is filed ~~in with the registering tribunal of Indiana. clerk~~  
 7 **of the appropriate court.**

8 (b) A registered order issued in another state is:

- 9 (1) enforceable in the same manner; and  
 10 (2) subject to the same procedures;

11 as an order issued by an Indiana tribunal.

12 (c) Except as otherwise provided in this article, an Indiana tribunal  
 13 shall recognize and enforce but may not modify a registered order if the  
 14 issuing tribunal had jurisdiction.

15 SECTION 27. IC 31-18-6-6 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) The petition for  
 17 registration must:

18 (1) be verified and set forth:

19 (A) the amount remaining unpaid; and

20 (B) a list of any other states in which the support order is  
 21 registered; and

22 (2) have attached to it a certified copy of the support order with  
 23 all modifications of the support order.

24 (b) ~~The foreign support order is registered upon the filing of the~~  
 25 ~~complaint subject only to subsequent order of confirmation. The~~  
 26 **registered foreign support order shall be given full force and effect**  
 27 **subject to confirmation or rescission of the order by the court.**

28 SECTION 28. IC 31-18-6-11 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. (a) After a child  
 30 support order issued in another state has been registered in Indiana,  
 31 **unless the provisions of section 13 of this chapter apply,** the  
 32 responding Indiana tribunal may modify the order only if, after notice  
 33 and hearing, the responding tribunal finds that:

34 (1) the:

35 (A) child, individual obligee, and obligor do not reside in the  
 36 issuing state;

37 (B) petitioner who is a nonresident of Indiana seeks  
 38 modification; and

39 (C) respondent is subject to the personal jurisdiction of the  
 40 Indiana tribunal; or

41 (2) an individual party or the child is subject to the personal  
 42 jurisdiction of the tribunal and all of the individual parties have



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1 filed a written consent in the issuing tribunal providing that an  
 2 Indiana tribunal may modify the support order and assume  
 3 continuing, exclusive jurisdiction over the order. **However, if the**  
 4 **issuing state is a foreign jurisdiction that has not enacted the**  
 5 **Uniform Interstate Family Support Act, the written consent**  
 6 **of the individual party residing in Indiana is not required for**  
 7 **the tribunal to assume jurisdiction to modify the child support**  
 8 **order.**

9 (b) Modification of a registered child support order is subject to the  
 10 same requirements, procedures, and defenses that apply to the  
 11 modification of an order issued by an Indiana tribunal. The order may  
 12 be enforced and satisfied in the same manner.

13 (c) An Indiana tribunal may not modify any aspect of a child support  
 14 order that may not be modified under the law of the issuing state. **If**  
 15 **two (2) or more tribunals have issued child support orders for the**  
 16 **same obligor and child, the order that is controlling and must be**  
 17 **recognized under the provisions of IC 31-18-2-7 establishes the**  
 18 **nonmodifiable aspects of the support order.**

19 (d) Upon the modification of a child support order issued in another  
 20 state, an Indiana tribunal becomes the tribunal of continuing, exclusive  
 21 jurisdiction.

22 (e) Not more than thirty (30) days after issuing a modified child  
 23 support order, the party obtaining the modification shall file a certified  
 24 copy of the order:

25 (1) with the issuing tribunal that had continuing, exclusive  
 26 jurisdiction over the earlier order; and

27 (2) in each tribunal in which the party knows that the earlier order  
 28 has been registered.

29 (f) **Failure of the party obtaining the order to file a certified**  
 30 **copy as required under subsection (e) subjects the party to**  
 31 **appropriate sanctions by a tribunal in which the issue of failure to**  
 32 **file arises, but the failure has no effect on the validity or**  
 33 **enforceability of the modified order of the new tribunal of**  
 34 **continuing, exclusive jurisdiction.**

35 SECTION 29. IC 31-18-6-13 IS ADDED TO THE INDIANA  
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 1999]: **Sec. 13. (a) If all of the individual**  
 38 **parties reside in Indiana and the child does not reside in the issuing**  
 39 **state, an Indiana tribunal has jurisdiction to enforce and to modify**  
 40 **the issuing state's child support order in a proceeding to register**  
 41 **the order.**

42 (b) **An Indiana tribunal exercising jurisdiction as provided in**

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1     **this section shall apply the provisions of IC 31-18-1, IC 31-18-2,**  
 2     **and this chapter to the enforcement or modification proceeding. If**  
 3     **the conditions of subsection (a) exist, IC 31-18-3 through**  
 4     **IC 31-18-5, IC 31-18-7, and IC 31-18-8 do not apply, and the**  
 5     **tribunal shall apply the procedural and substantive law of Indiana.**

6     SECTION 30. IC 31-18-7-1 IS AMENDED TO READ AS  
 7     FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) An Indiana  
 8     tribunal may serve as an initiating or a responding tribunal in a  
 9     proceeding brought under:

10         (1) this article or a law **or procedure** substantially similar to this  
 11         article; **or**

12         (2) **a law or procedure substantially similar to** the Uniform  
 13         Reciprocal Enforcement of Support Act or

14         (3) the Revised Uniform Reciprocal Enforcement of Support Act;  
 15     to determine that the petitioner is a parent of a child or to determine  
 16     that a respondent is a parent of the child.

17     (b) In a proceeding to determine paternity, a responding Indiana  
 18     tribunal shall apply the:

19         (1) procedural and substantive law of Indiana; and

20         (2) rules of Indiana on choice of law.

21     SECTION 31. IC 31-18-1-22 IS REPEALED [EFFECTIVE JULY  
 22     1, 1999].

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1590, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 8, after "enforcement, and" insert "**to petition for**".

Page 3, line 18, delete the effective date "[EFFECTIVE JULY 1, 1999]" and insert the effective date "[EFFECTIVE OCTOBER 1, 1999]".

Page 16, delete lines 10 through 15.

and when so amended that said bill do pass.

(Reference is to HB 1590 as introduced.)

VILLALPANDO, Chair

Committee Vote: yeas 10, nays 2.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred House Bill No. 1590, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 34, after "statute." insert "**statutes.**".

Page 3, reset in roman lines 35 through 36.

Page 3, line 37, reset in roman "the salary of an elected official."

Page 3, line 38, delete "statutes."

Page 5, delete lines 41 through 42.

Page 6, delete lines 1 through 22.

Page 12, line 27, delete "and".

Page 12, line 28, delete "." and insert ";".

Page 12, line 28, reset in roman "and".

Page 12, line 29, reset in roman "(3) distribute the funds as".

Page 12, line 30, after "order." insert "**specified in section 1.1 of this chapter.**".

Page 16, between lines 10 and 11, begin a new paragraph and insert:

**"(f) Failure of the party obtaining the order to file a certified copy as required under subsection (e) subjects the party to appropriate sanctions by a tribunal in which the issue of failure to file arises, but the failure has no effect on the validity or enforceability of the modified order of the new tribunal of continuing, exclusive jurisdiction."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1590 as printed February 11, 1999.)

BRAY, Chairperson

Committee Vote: Yeas 5, Nays 1.

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