



Reprinted
April 9, 1999

ENGROSSED HOUSE BILL No. 1590

DIGEST OF HB 1590 (Updated April 8, 1999 2:26 pm - DI 76)

Citations Affected: IC 12-17; IC 22-3; IC 31-14; IC 31-18.

Synopsis: Child support enforcement. 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. 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.

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

Dvorak, Mahern

(SENATE SPONSORS — SIMPSON, BRAY)

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.
April 8, 1999, read second time, amended, ordered engrossed.

EH 1590—LS 8005/DI 76+



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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 of child support **orders**, activities
 9 under the Uniform Reciprocal Enforcement of Support Act (IC 31-2-1,
 10 before its repeal) or the Uniform Interstate Family Support Act
 11 (IC 31-18, or IC 31-1.5 before its repeal), and if the contract is with a
 12 prosecuting attorney, prosecutions of welfare fraud.

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

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

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

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

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

39 SECTION 4. IC 22-3-2-17 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. (a) Except as
 41 provided in subsection (b), no claims for compensation under IC 22-3-2
 42 through IC 22-3-6 shall be assignable, and all compensation and claims

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1 therefor shall be exempt from all claims of creditors.

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

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

- 11 (1) the documentation was made at or around the time of the
- 12 change of custody;
- 13 (2) the documentation was made in the course of a regularly
- 14 conducted business activity; and
- 15 (3) the documentation was made as a regular practice of a
- 16 business activity.

17 SECTION 6. IC 31-18-1-9 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. "Initiating state"
 19 means a state in which a proceeding **is forwarded or in which a**
 20 **proceeding is filed for forwarding to a responding state** under:

- 21 (1) this article or a law substantially similar to this article;
 - 22 (2) the Uniform Reciprocal Enforcement of Support Act; or
 - 23 (3) the Revised Uniform Reciprocal Enforcement of Support Act.
- 24 ~~is filed for forwarding to a responding state.~~

25 SECTION 7. IC 31-18-1-14 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. "Obligee" ~~or~~
 27 ~~"petitioner"~~ means:

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

38 SECTION 8. IC 31-18-1-15 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. "Obligor" ~~or~~
 40 ~~"respondent"~~ means an individual or the estate of a decedent who:

- 41 (1) owes or is alleged to owe a duty of support;
- 42 (2) is alleged to be, but has not been adjudicated to be, a parent of



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1 a child; or

2 (3) is liable under a support order.

3 SECTION 9. IC 31-18-1-18 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. "Responding state"
5 means a state to which a proceeding is **filed or to which a proceeding**
6 **is forwarded for filing from an initiating state** under:

7 (1) this article or a law substantially similar to this article;

8 (2) the Uniform Reciprocal Enforcement of Support Act; or

9 (3) the Revised Uniform Reciprocal Enforcement of Support Act.

10 SECTION 10. IC 31-18-1-21 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. "State" means:

12 (1) a state of the United States;

13 (2) the District of Columbia;

14 (3) the Commonwealth of Puerto Rico; or

15 (4) any territory or insular possession subject to the jurisdiction
16 of the United States.

17 The term includes an Indian tribe and a foreign jurisdiction that ~~has~~
18 **have enacted a law or** established procedures for issuing and
19 enforcing support orders that are substantially similar to the procedures
20 under this article **or the procedures under the Uniform Reciprocal**
21 **Enforcement of Support Act or the Revised Uniform Reciprocal**
22 **Enforcement of Support Act.**

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

32 SECTION 12. IC 31-18-2-7 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) If a proceeding
34 is brought under this article and one (1) or more child support orders
35 have been issued in Indiana or another state with regard to an obligor
36 and a child, an Indiana tribunal shall apply the following rules in
37 determining which order to recognize for purposes of continuing,
38 exclusive jurisdiction:

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

41 (2) If two (2) or more tribunals have issued child support orders
42 for the same obligor and child, and only one (1) of the tribunals

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1 has continuing, exclusive jurisdiction in accordance with this
 2 article, the order of that tribunal **is controlling and** must be
 3 recognized.

4 (3) If two (2) or more tribunals have issued child support orders
 5 for the same obligor and child, and more than one (1) of the
 6 tribunals has continuing, exclusive jurisdiction in accordance with
 7 this article, an order issued by a tribunal in the current home state
 8 of the child must be recognized. However, if an order has not
 9 been issued in the current home state of the child, the order most
 10 recently issued must be recognized.

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

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

18 (c) **If two (2) or more child support orders have been issued for**
 19 **the same obligor and child and if the obligor or the individual**
 20 **obligee resides in Indiana, a party may request an Indiana tribunal**
 21 **to determine which order controls and must be recognized under**
 22 **subsection (a). The request must be accompanied by a certified**
 23 **copy of all support orders in effect. Each party whose rights may**
 24 **be affected by a determination of the controlling order must be**
 25 **given notice of the request for that determination.**

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

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

32 (2) **issues a new controlling child support order under section**
 33 **7(a)(4) of this chapter;**

34 **shall include in that order the basis upon which the tribunal made**
 35 **the determination.**

36 (b) **Not later than thirty (30) days after issuance of the order**
 37 **determining the identity of the controlling order, the party**
 38 **obtaining the order shall file a certified copy of the order with each**
 39 **tribunal that has issued or registered an earlier order of child**
 40 **support. Failure of the party obtaining the order to file a certified**
 41 **copy as required subjects the party to appropriate sanctions by a**
 42 **tribunal in which the issue of failure to file arises. However, the**



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1 **failure has no effect on the validity or enforceability of the**
 2 **controlling order.**

3 SECTION 14. IC 31-18-3-4 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) Upon the filing
 5 of a petition authorized by this article, an initiating Indiana tribunal
 6 shall forward three (3) copies of the petition and its accompanying
 7 documents to:

- 8 (1) the responding tribunal; or
 9 (2) an appropriate support enforcement agency in the responding
 10 state.

11 However, if the identity of the responding tribunal is unknown, the
 12 copies must be forwarded to the state information agency of the
 13 responding state with a request for the copies to be forwarded to the
 14 appropriate tribunal and for receipt to be acknowledged.

15 **(b) If a responding state has not enacted the Uniform Interstate**
 16 **Family Support Act or a law or procedure substantially similar to**
 17 **the Uniform Interstate Family Support Act, an Indiana tribunal**
 18 **may issue a certificate or other documents and make findings**
 19 **required by the law of the responding state. If the responding state**
 20 **is a foreign jurisdiction, the tribunal may specify the amount of**
 21 **support sought and provide other documents necessary to satisfy**
 22 **the requirements of the responding state.**

23 SECTION 15. IC 31-18-3-7 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) An Indiana Title
 25 IV-D agency, upon request, shall provide services to a petitioner **who**
 26 **is an obligee** in a proceeding under this article.

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

- 29 (1) take the steps necessary to enable an appropriate Indiana
 30 tribunal or another state to obtain jurisdiction over the respondent;
 31 (2) request an appropriate tribunal to set a date, time, and place
 32 for a hearing;
 33 (3) make a reasonable effort to obtain all relevant information,
 34 including information regarding income and property of the
 35 parties;
 36 (4) not later than ten (10) days, exclusive of Saturdays, Sundays,
 37 and legal holidays, after receipt of a written notice from an
 38 initiating, a responding, or a registering tribunal, send a copy of
 39 the notice by first class mail to the petitioner;
 40 (5) not later than ten (10) days, exclusive of Saturdays, Sundays,
 41 and legal holidays, after receipt of a written communication from
 42 the respondent or the respondent's attorney, send a copy of the



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1 communication by first class mail to the petitioner; and
 2 (6) notify the petitioner if jurisdiction over the respondent may
 3 not be obtained.

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

- 5 (1) an attorney-client; or
 6 (2) other fiduciary;

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

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

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

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

26 (c) The obligor shall give notice of the contest under this section to:
 27 (1) any support enforcement agency providing services to the
 28 obligee; and
 29 (2) a person or an agency designated in the income withholding
 30 order to receive payments, or if a person or an agency is not
 31 designated, the obligee.

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

- 39 (1) **The duration and the amount of periodic payments of**
 40 **current child support, stated as a certain sum.**
 41 (2) **The person or agency designated to receive payments and**
 42 **the address to which the payments are to be forwarded.**



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1 **(3) Medical support, whether in the form of periodic cash**
 2 **payments, stated as a certain sum, or an order to the obligor**
 3 **to provide health insurance coverage for the child under a**
 4 **policy available through the obligor's employment.**

5 **(4) The amount of periodic payments of fees and costs for a**
 6 **support enforcement agency, the issuing tribunal, and the**
 7 **obligee's attorney, stated as a certain sum.**

8 **(5) The amount of periodic payments of arrears and interest**
 9 **on arrears, stated as a certain sum.**

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

13 **(1) the employer's fee for processing an income withholding**
 14 **order or credit;**

15 **(2) the maximum amount permitted to be withheld from the**
 16 **obligor's income; and**

17 **(3) the periods within which the employer must implement the**
 18 **withholding order and forward the child support payment.**

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

22 (1) a support order;

23 (2) an income withholding order; or

24 (3) both;

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

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

32 (c) If the obligor does not contest administrative enforcement, the
 33 Title IV-D agency is not required to register the order. If no
 34 administrative procedure authorized by Indiana law is used, the Title
 35 IV-D agency shall send the documents required for registering the
 36 order to the appropriate Title IV-D agency.

37 SECTION 19. IC 31-18-6-2.1 IS ADDED TO THE INDIANA
 38 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 1999]: **Sec. 2.1. If an obligor's employer**
 40 **receives multiple orders to withhold support from the earnings of**
 41 **the same obligor, the employer shall be considered to have satisfied**
 42 **the terms of the multiple orders if the law of the state of the**



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1 **obligor's principal place of employment to establish the priorities**
 2 **for withholding and allocating income withheld from multiple child**
 3 **support obligees is complied with.**

4 SECTION 20. IC 31-18-6-2.2 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 1999]: **Sec. 2.2. An employer who complies**
 7 **with an income withholding order issued in another state in**
 8 **accordance with this article is not subject to civil liability to any**
 9 **individual or agency with regard to the employer's withholding**
 10 **child support from the obligor's income.**

11 SECTION 21. IC 31-18-6-2.3 IS ADDED TO THE INDIANA
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 1999]: **Sec. 2.3. An employer who willfully**
 14 **fails to comply with an income withholding order issued by another**
 15 **state and received for enforcement is subject to the same penalties**
 16 **that may be imposed for noncompliance with an order issued by a**
 17 **tribunal of this state.**

18 SECTION 22. IC 31-18-6-3 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A support order
 20 or an income withholding order issued in another state is registered
 21 when the order is filed ~~in with~~ the ~~registering~~ tribunal of Indiana: **clerk**
 22 **of the appropriate court.**

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

- 24 (1) enforceable in the same manner; and
 25 (2) subject to the same procedures;

26 as an order issued by an Indiana tribunal.

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

30 SECTION 23. IC 31-18-6-6 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) The petition for
 32 registration must:

33 (1) be verified and set forth:

- 34 (A) the amount remaining unpaid; and
 35 (B) a list of any other states in which the support order is
 36 registered; and

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

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



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1 SECTION 24. IC 31-18-6-11 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. (a) After a child
 3 support order issued in another state has been registered in Indiana,
 4 **unless the provisions of section 13 of this chapter apply**, the
 5 responding Indiana tribunal may modify the order only if, after notice
 6 and hearing, the responding tribunal finds that:

7 (1) the:

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

10 (B) petitioner who is a nonresident of Indiana seeks
 11 modification; and

12 (C) respondent is subject to the personal jurisdiction of the
 13 Indiana tribunal; or

14 (2) an individual party or the child is subject to the personal
 15 jurisdiction of the tribunal and all of the individual parties have
 16 filed a written consent in the issuing tribunal providing that an
 17 Indiana tribunal may modify the support order and assume
 18 continuing, exclusive jurisdiction over the order. **However, if the**
 19 **issuing state is a foreign jurisdiction that has not enacted the**
 20 **Uniform Interstate Family Support Act, the written consent**
 21 **of the individual party residing in Indiana is not required for**
 22 **the tribunal to assume jurisdiction to modify the child support**
 23 **order.**

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

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

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

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

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

42 (2) in each tribunal in which the party knows that the earlier order

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1 has been registered.

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

8 SECTION 25. IC 31-18-6-13 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 1999]: **Sec. 13. (a) If all of the individual**
 11 **parties reside in Indiana and the child does not reside in the issuing**
 12 **state, an Indiana tribunal has jurisdiction to enforce and to modify**
 13 **the issuing state's child support order in a proceeding to register**
 14 **the order.**

15 (b) **An Indiana tribunal exercising jurisdiction as provided in**
 16 **this section shall apply the provisions of IC 31-18-1, IC 31-18-2,**
 17 **and this chapter to the enforcement or modification proceeding. If**
 18 **the conditions of subsection (a) exist, IC 31-18-3 through**
 19 **IC 31-18-5, IC 31-18-7, and IC 31-18-8 do not apply, and the**
 20 **tribunal shall apply the procedural and substantive law of Indiana.**

21 SECTION 26. IC 31-18-7-1 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 1. (a) An Indiana**
 23 **tribunal may serve as an initiating or a responding tribunal in a**
 24 **proceeding brought under:**

25 (1) **this article or a law or procedure** substantially similar to this
 26 **article; or**

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

29 **(3) the Revised Uniform Reciprocal Enforcement of Support Act;**
 30 **to determine that the petitioner is a parent of a child or to determine**
 31 **that a respondent is a parent of the child.**

32 (b) **In a proceeding to determine paternity, a responding Indiana**
 33 **tribunal shall apply the:**

34 (1) **procedural and substantive law of Indiana; and**

35 (2) **rules of Indiana on choice of law.**

36 SECTION 27. IC 31-18-1-22 IS REPEALED [EFFECTIVE JULY
 37 1, 1999].

C
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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.

C
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P
Y



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.

C
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P
Y



SENATE MOTION

Mr. President: I move that Engrossed House Bill 1590 be amended to read as follows:

Page 3, delete lines 40 through 42.

Delete page 4.

Page 5, delete lines 1 through 30.

Page 5, delete lines 41 through 42.

Delete page 6.

Page 7, delete lines 1 through 11.

Page 7, delete lines 22 through 42.

Page 8, delete line 1.

Re-number all SECTIONS consecutively.

(Reference is to EHB 1590 as printed April 6, 1999.)

CLARK

SENATE MOTION

Mr. President: I move that Engrossed House Bill 1590 be amended to read as follows:

Page 3, line 8, reset in roman "and".

Page 3, line 8, delete ", and to petition for modification".

(Reference is to EHB 1590 as printed April 6, 1999.)

CLARK

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