SENATE BILL No. 671

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-17-2; IC 16-37-2-2.1; IC 22-3-2-17; IC 27-8-3-23; IC 31-11-4-4; IC 31-14; IC 31-16-9-3; IC 31-18.

Synopsis: Child support enforcement. Confers authority upon the Title IV-D program to modify 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 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

(Continued next page)

Effective: July 1, 1999.

Simpson

January 22, 1999, read first time and referred to Committee on Judiciary.

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Digest Continued

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.

C o p y

Introduced

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.

C o p y

SENATE BILL No. 671

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:

SECTION 1. IC 12-17-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16. (a) The bureau or its agents shall administer the state's parent locator service. The bureau shall make all necessary requests and responses to the federal parent locator service and to the parent locator services of the other states.

(b) To carry out the bureau's responsibilities under this chapter, the bureau or its agents, through the parent locator service, may request information and assistance from a state, county, city, or town agency. Officers and employees of a state, county, city, or town agency shall cooperate with the bureau in determining the location of a parent who:

(1) owes child support; or

(2) has abandoned or deserted a child;

by providing the pertinent information relative to the location, income, and property of the parent, notwithstanding a statute making the information confidential.

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

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

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

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

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

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

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

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

C o p y

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

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

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

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

(1) The county general fund.

(2) The operating budget of the prosecuting attorney.

(3) The operating budget of the circuit court clerk.

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

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

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

(1) a hospital; or

C o p y

(2) a local health department.

(b) Immediately before or after the birth of a child who is born out of wedlock, a person who attends or plans to attend the birth, including personnel of all public or private birthing hospitals, shall:

(1) provide an opportunity for:

(A) the child's mother; and

(B) a man who reasonably appears to be the child's biological father;

to execute an affidavit acknowledging paternity of the child; and

(2) verbally explain to the individuals listed in subdivision (1) the legal effects of an executed paternity affidavit as described in subsection (g).

(c) A paternity affidavit must be executed on a form provided by the state department. The paternity affidavit is valid only if the affidavit is executed as follows:

(1) If executed through a hospital, the paternity affidavit must be completed not more than seventy-two (72) hours after the child's birth.

(2) If executed through a local health department, the paternity affidavit must be completed before the child has reached the age of emancipation.

(d) A paternity affidavit is not valid if it is executed after the mother of the child has executed a consent to adoption of the child and a petition to adopt the child has been filed.

(e) A paternity affidavit executed under this section must contain or be attached to all of the following:

(1) The mother's sworn statement asserting that a person described in subsection (a)(2) is the child's biological father.

(2) A statement by a person identified as the father under subdivision (1) attesting to a belief that he is the child's biological father.

(3) Written information furnished by the division of family and children:

(A) explaining the effect of an executed paternity affidavit as described in subsection (g); and

(B) describing the availability of child support enforcement services.

(4) The Social Security number of each parent.

(5) The child's Social Security number.

(f) A woman who knowingly or intentionally falsely names a man as the child's biological father under this section commits a Class A misdemeanor.

C o p y

(g) A paternity affidavit executed under this section:

(1) establishes paternity; and

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

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

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

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

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

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

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

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

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

SECTION 6. IC 27-8-3-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 23. (a) As used in this section, "premium" includes any deposit or contribution.

C o p y

(b) **Except for the remuneration of child support obligations,** the money or benefit provided or rendered by any corporation, association, or society authorized to do business under this chapter shall not be liable to attachment by garnishee or other process, and shall not be seized, taken, appropriated, or applied by any legal or equitable process, nor by any operation of law, to pay any debt or liability of a policy or certificate holder or any beneficiary named therein.

(c) A premium paid for an individual life insurance policy that names as a beneficiary, or is legally assigned to, a spouse, child, or relative who is dependent upon the policy owner is not exempt from the claims of the creditors of the policy owner if the premium is paid:

(1) not more than one (1) year before the date of the filing of a voluntary or involuntary bankruptcy petition by; or

(2) to defraud the creditors of;

the policy owner.

(d) The insurer issuing the policy is discharged from all liability by payment of the proceeds and avails of the policy (as defined in IC 27-1-12-14(b)) in accordance with the terms of the policy unless, before payment, the insurer has received at the insurer's home office, written notice by or on behalf of a creditor of the policy owner that specifies the amount claimed against the policy owner.

SECTION 7. IC 31-11-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) An application for a marriage license must be written and verified. The application must contain the following information concerning each of the applicants:

(1) Full name **and Social Security number.**

(2) Birthplace.

(3) Residence.

(4) Age.

(5) Names of dependent children.

(6) Full name, including the maiden name of a mother, last known residence, and, if known, the place of birth of:

(A) the birth parents of the applicant if the applicant is not adopted; or

(B) the adoptive parents of the applicant if the applicant is adopted.

(7) A statement of facts necessary to determine whether any legal impediment to the proposed marriage exists.

(8) Except as provided in subsection (d), an acknowledgment that both applicants must sign, affirming that the applicants have received the information described in section 5 of this chapter,

C o p y

including a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome). The acknowledgment required by this subdivision must be in the following form:

ACKNOWLEDGMENT

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

_____ _____
Signature of Applicant Date

_____ _____
Signature of Applicant Date

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

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

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

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

(2) sign the acknowledgment described in subsection (a)(8).

However, before the clerk of the circuit court may issue a marriage license to a member of the Old Amish Mennonite church, the bishop of that member must sign a statement that the information in the application is true.

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

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

(2) signing the acknowledgment described in subsection (a)(8);

the clerk of the circuit court shall indicate that fact on the application for a marriage license.

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

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

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

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

SECTION 9. IC 31-14-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. At the time of the issuance or modification of a support order, the parties affected by the order shall inform the clerk of:

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

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

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

SECTION 10. IC 31-16-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. At the time of the issuance or modification of a support order, the parties affected by the order shall inform the clerk of the court of:

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

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

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

SECTION 11. 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 12. 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

C o p y

individual obligee; or

(3) an individual seeking a judgment to establish paternity of the individual's child.

SECTION 13. 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 14. 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 15. 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 of the United States.

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

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

SECTION 17. IC 31-18-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) If a proceeding is brought under this article and one (1) or more child support orders

C o p y

have been issued in Indiana or another state with regard to an obligor and a child, an Indiana tribunal shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

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

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

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

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

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

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

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

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

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

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

C o p y

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

SECTION 19. IC 31-18-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. **(a)** Upon the filing of a petition authorized by this article, an initiating Indiana tribunal shall forward three (3) copies of the petition and its accompanying documents to:

(1) the responding tribunal; or

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

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

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

SECTION 20. IC 31-18-3-7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) An Indiana Title IV-D agency, upon request, shall provide services to a petitioner **who is an obligee** in a proceeding under this article.

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

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

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

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

C o p y

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

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

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

(c) This article does not create or negate:

(1) an attorney-client; or

(2) other fiduciary;

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

SECTION 21. IC 31-18-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) An income withholding order issued in another state may be sent by first class mail to the person or entity defined as the obligor's income payor under Indiana's income withholding law under IC 31-16-15 without first filing a petition or registering the order with an Indiana tribunal. Upon receipt of the order, the income payor shall:

(1) treat an income withholding order issued in another state that appears regular on its face as if the order had been issued by an Indiana tribunal; **and**

(2) immediately provide a copy of the order to the obligor. ~~and~~

~~(3) distribute the funds as directed in the income withholding order.~~

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

(c) The obligor shall give notice of the contest under this section to:

(1) any support enforcement agency providing services to the obligee; and

(2) a person or an agency designated in the income withholding order to receive payments, or if a person or an agency is not designated, the obligee.

SECTION 22. IC 31-18-5-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 1.1. (a) Except as provided in subsection (b) and IC 31-18-6-2.1, an employer shall withhold and distribute the funds**

C o p y

as directed in a withholding order by complying with the applicable terms of the order that specify the following:

(1) The duration and the amount of periodic payments of current child support, stated as a certain sum.

(2) The person or agency designated to receive payments and the address to which the payments are to be forwarded.

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

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

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

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

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

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

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

SECTION 23. IC 31-18-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Whenever enforcement is sought for:

(1) a support order;

(2) an income withholding order; or

(3) both;

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

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

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

C o p y

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

SECTION 25. IC 31-18-6-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 2.2. An employer who complies with an income withholding order issued in another state in accordance with this article is not subject to civil liability to any individual or agency with regard to the employer's withholding child support from the obligor's income.**

SECTION 26. IC 31-18-6-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 2.3. An employer who willfully fails to comply with an income withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.**

SECTION 27. IC 31-18-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A support order or an income withholding order issued in another state is registered when the order is filed ~~in~~ **with** the ~~registering tribunal of Indiana.~~ **clerk of the appropriate court.**

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

(1) enforceable in the same manner; and

(2) subject to the same procedures;

as an order issued by an Indiana tribunal.

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

SECTION 28. IC 31-18-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) The petition for registration must:

(1) be verified and set forth:

(A) the amount remaining unpaid; and

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

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

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

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

(1) the:

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

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

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

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

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

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

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

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

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

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

(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.

SECTION 30. IC 31-18-6-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 13. (a) If all of the individual parties reside in Indiana and the child does not reside in the issuing state, an Indiana tribunal has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register the order.**

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

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

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

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

~~(3)~~ the Revised Uniform Reciprocal Enforcement of Support Act;

to determine that the petitioner is a parent of a child or to determine that a respondent is a parent of the child.

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

(1) procedural and substantive law of Indiana; and

(2) rules of Indiana on choice of law.

SECTION 32. IC 31-18-1-22 IS REPEALED [EFFECTIVE JULY 1, 1999].

C o p y