

SENATE MOTION

MR. PRESIDENT:

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

1 Page 3, between lines 39 and 40, begin a new paragraph and insert:
2 "**(d) A clerk of a circuit court may opt out of the operation of the**
3 **Indiana support enforcement tracking system (as defined in**
4 **IC 33-17-1-4) in the manner provided by this subsection. In**
5 **addition to any automated system for receipt and distribution of**
6 **child support operating at the offices of the clerks of the circuit**
7 **courts in the counties in Indiana, the division of family and**
8 **children shall maintain and operate an identical centralized**
9 **automated system. Within one hundred eighty (180) days after**
10 **receipt of a written request from a clerk, the division of family and**
11 **children shall assume responsibility for all child support collection,**
12 **disbursement, and distribution functions of the clerk of the circuit**
13 **court for the county. While the division of family and children is**
14 **responsible in a county for the collection, disbursement, and**
15 **distribution of child support payments under this subsection:**

16 (1) a court order requiring payment of child support to the
17 clerk of a circuit court making an election under this
18 subsection shall be treated as requirement that the payments
19 be made to the division of family and children; and
20 (2) a law relating to the duties and powers of a clerk of the
21 circuit court making an election under this subsection for the
22 receipt and distribution of child support shall be treated as a
23 reference to the division of family and children."

24 Page 7, between lines 32 and 33, begin a new paragraph and insert:
25 "**SECTION 10. IC 31-16-9-1 IS AMENDED TO READ AS**
26 **FOLLOWS [EFFECTIVE OCTOBER 1, 1999]: Sec. 1. Upon entering**
27 **an order for support in:**

28 (1) a dissolution of marriage decree under IC 31-15-2;
29 (2) a legal separation decree under IC 31-15-3; or
30 (3) a child support decree under IC 31-16-2;
31 the court shall require that support payments be made through the clerk

1 of the circuit court **or, if the clerk of the circuit court for the county**
2 **has opted out of the operation of the Indiana support enforcement**
3 **tracking system (as defined in IC 33-17-1-4) under IC 12-17-2-26,**
4 **through the division of family and children,** as trustee for remittance
5 to the person entitled to receive payments, unless the court has
6 reasonable grounds for providing or approving another method of
7 payment."

8 Page 8, between lines 1 and 2, begin a new paragraph and insert:

9 "SECTION 33. IC 31-16-19-1 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE OCTOBER 1, 1999]: Sec. 1. (a) If:

11 (1) an individual, by the terms of a court order or decree, is
12 ordered to pay support money to or for the dependent wife,
13 husband, father, mother, or child of the individual; and

14 (2) the:

15 (A) dependents are being supported in whole or in part by
16 public money; or

17 (B) parent of the dependents has sought the assistance of the
18 agency designated to administer Title IV-D of the federal
19 Social Security Act (42 U.S.C. 651 through 669);

20 the court shall order that the payment of the support money be made to
21 the clerk of the circuit court of the county in which the decree or order
22 is entered **or, if the clerk of the circuit court for the county has**
23 **opted out of the operation of the Indiana support enforcement**
24 **tracking system (as defined in IC 33-17-1-4) under IC 12-17-2-26,**
25 **to the division of family and children.**

26 (b) If the support order is for a child:

27 (1) who qualifies for assistance under IC 12-14-1-1; or

28 (2) whose parent has sought the assistance of the agency
29 designated to administer Title IV-D of the federal Social Security
30 Act (42 U.S.C. 651 through 669);

31 the court shall order that the payment of the support be made to the
32 agency of state government designated to administer Title IV-D of the
33 federal Social Security Act (42 U.S.C. 651 through 669) in compliance
34 with the federal regulations established for the administration of Title
35 IV-D of the federal Social Security Act (42 U.S.C. 651 through 669).

36 (c) The order must contain:

37 (1) the date when the first support payment is to be made; and

38 (2) the frequency of the payments.

39 SECTION 34. IC 31-16-21-1 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE OCTOBER 1, 1999]: Sec. 1. (a) Whenever
41 in any court proceeding an order is in force for:

42 (1) the support and maintenance of the other party to the
43 proceeding; or

44 (2) the support and maintenance of a child;

45 the individual required to pay the support shall pay the support.

46 (b) **This subsection does not apply to a clerk if the clerk of the**
47 **circuit court for the county has opted out of the operation of the**
48 **Indiana support enforcement tracking system (as defined in**
49 **IC 33-17-1-4) under IC 12-17-2-26.** The clerk shall collect from the
50 individual, in addition to the payments, the fee specified in
51 IC 33-19-6-5.

1 (c) The clerk may collect any unpaid fee in a proceeding for
2 contempt."

3 Renumber all SECTIONS consecutively.
(Reference is to EHB 1590 as printed April 6, 1999.)

Senator CLARK