

# 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. The written request under this subsection by**  
14           **a clerk may be canceled:**  
15                **(1) by the clerk no earlier than a date four (4) years**  
16                **subsequent to the date that the division of family and children**  
17                **has assumed responsibility for the child support functions; or**  
18                **(2) by mutual agreement of the clerk and the child support**  
19                **division deputy director of the Office of Family and Social**  
20                **Services.**  
21           **In the event of such cancellation, the responsibility for the**  
22           **functions shall be returned to the clerk after one hundred eighty**  
23           **(180) days. While the division of family and children is responsible**  
24           **in a county for the collection, disbursement, and distribution of**  
25           **child support payments under this subsection:**  
26                **(1) a court order requiring payment of child support to the**  
27                **clerk of a circuit court making an election under this**  
28                **subsection shall be treated as requirement that the payments**  
29                **be made to the division of family and children; and**  
30                **(2) a law relating to the duties and powers of a clerk of the**  
31                **circuit court making an election under this subsection for the**

1           **receipt and distribution of child support shall be treated as a**  
2           **reference to the division of family and children."**

3           Page 7, between lines 32 and 33, begin a new paragraph and insert:  
4           "SECTION 10. IC 31-16-9-1 IS AMENDED TO READ AS  
5           FOLLOWS [EFFECTIVE OCTOBER 1, 1999]: Sec. 1. Upon entering  
6           an order for support in:  
7                 (1) a dissolution of marriage decree under IC 31-15-2;  
8                 (2) a legal separation decree under IC 31-15-3; or  
9                 (3) a child support decree under IC 31-16-2;

10          the court shall require that support payments be made through the clerk  
11          of the circuit court **or, if the clerk of the circuit court for the county**  
12          **has opted out of the operation of the Indiana support enforcement**  
13          **tracking system (as defined in IC 33-17-1-4) under IC 12-17-2-26,**  
14          **through the division of family and children,** as trustee for remittance  
15          to the person entitled to receive payments, unless the court has  
16          reasonable grounds for providing or approving another method of  
17          payment."

18          Page 8, between lines 1 and 2, begin a new paragraph and insert:  
19          "SECTION 33. IC 31-16-19-1 IS AMENDED TO READ AS  
20          FOLLOWS [EFFECTIVE OCTOBER 1, 1999]: Sec. 1. (a) If:  
21                 (1) an individual, by the terms of a court order or decree, is  
22                 ordered to pay support money to or for the dependent wife,  
23                 husband, father, mother, or child of the individual; and  
24                 (2) the:  
25                         (A) dependents are being supported in whole or in part by  
26                         public money; or  
27                         (B) parent of the dependents has sought the assistance of the  
28                         agency designated to administer Title IV-D of the federal  
29                         Social Security Act (42 U.S.C. 651 through 669);

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

36          (b) If the support order is for a child:  
37                 (1) who qualifies for assistance under IC 12-14-1-1; or  
38                 (2) whose parent has sought the assistance of the agency  
39                 designated to administer Title IV-D of the federal Social Security  
40                 Act (42 U.S.C. 651 through 669);

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

46          (c) The order must contain:  
47                 (1) the date when the first support payment is to be made; and  
48                 (2) the frequency of the payments.

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

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

3 (2) the support and maintenance of a child;  
4 the individual required to pay the support shall pay the support.

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

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

13 Renumber all SECTIONS consecutively.

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

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Senator CLARK