

## CONFERENCE COMMITTEE REPORT DIGEST FOR HB 1590

**Citations Affected:** IC 12-7-2-144.9; IC 12-17-2; IC 31-11-4-4; IC 31-14-11-15; IC 31-16-9-3.

**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. Requires the child support bureau of the division of family and children to establish a program to allow a prosecuting attorney to contract with a private organization to provide child support enforcement services. Provides that the child support bureau is not liable for any costs related to a contract between a prosecuting attorney and a private organization for child support enforcement services that are disallowed for reimbursement by the federal government. Requires the child support bureau to treat costs incurred by a prosecuting attorney in contracting with a private organization for child support enforcement services as administrative costs of the prosecuting attorney. Requires the record of marriage form to contain the Social Security numbers of each marriage applicant, unless the applicant objects. Requires the record of marriage form to specify that a marriage applicant is not required by law to reveal the applicant's Social Security number for the marriage application. Requires that before a child support order may be issued or modified, the child's Social Security number must be provided. Requires that the Social Security numbers that are obtained in the above-described manner shall be kept confidential and used only to carry out the purposes of the Title IV-D program. Provides that the unauthorized disclosure of a marriage applicant's Social Security number is a Class A infraction. Specifies that the child support bureau shall contract with a prosecuting attorney, or a private attorney if a contract cannot be entered into with the prosecuting attorney under certain circumstances, for the modification of child support orders. (This conference committee report does the following: (1) Provides for requirements to obtain and keep confidential the social security numbers of any child before a child support order may be issued or modified and marriage license applicants. (2) Reinserts language taken out by a Senate second reading motion that clarifies that a prosecuting attorney may modify child support orders. (3) Adds relevant provisions from HB 1098, as it passed the House, regarding contracting with a private organization to provide child support enforcement services.)

**Effective:** July 1, 1999.

# CONFERENCE COMMITTEE REPORT

**MR. PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1590 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 12-7-2-144.9 IS ADDED TO THE INDIANA
- 4       CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 5       **[EFFECTIVE JULY 1, 1999]: Sec. 144.9. "Private organization", for**
- 6       **purposes of IC 12-17-2, has the meaning set forth in IC 12-17-2-3.5.**
- 7       SECTION 2. IC 12-17-2-3.5 IS ADDED TO THE INDIANA CODE
- 8       AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
- 9       **1, 1999]: Sec. 3.5. As used in this chapter, "private organization"**
- 10       **means a private organization with which a prosecuting attorney**
- 11       **contracts under section 18.5 of this chapter to provide child**
- 12       **support enforcement services."**
- 13       Page 3, line 8, strike "and".
- 14       Page 3, line 8, after "enforcement" insert "**and modification**".
- 15       Page 3, between lines 16 and 17, begin a new paragraph and insert:
- 16       **"(c) Subject to section 18.5 of this chapter, a prosecuting**
- 17       **attorney with which the bureau contracts under subsection (a) may**
- 18       **contract with a private organization to provide child support**
- 19       **enforcement services.**
- 20       SECTION 5. IC 12-17-2-18.5 IS ADDED TO THE INDIANA
- 21       CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 22       **[EFFECTIVE JULY 1, 1999]: Sec. 18.5. (a) The bureau shall**
- 23       **establish a program to allow a prosecuting attorney with which the**
- 24       **bureau has contracted under section 18 of this chapter to contract**
- 25       **with a private organization to provide child support enforcement**
- 26       **services.**
- 27       **(b) The bureau may establish:**

1 (1) a list of approved private organizations with which a  
 2 prosecuting attorney may contract under this section; and  
 3 (2) requirements for participation in the program established  
 4 under this section to assure:

5 (A) effective administration of the plan; and

6 (B) compliance with all federal and state statutes,  
 7 regulations, and rules.

8 (c) A contract between a prosecuting attorney and a private  
 9 organization under this section must include the following  
 10 provisions:

11 (1) A provision that records of a contractor operated child  
 12 support enforcement system are subject to inspection and  
 13 copying to the same extent the records would be subject to  
 14 inspection and copying if the contractor were a public agency  
 15 under IC 5-14-3.

16 (2) A provision that records that are provided by a contractor  
 17 to the prosecuting attorney that relate to compliance by the  
 18 contractor with the terms of the contract are subject to  
 19 inspection and copying in accordance with IC 5-14-3.

20 (d) Not later than July 1, 2001, the bureau shall provide the  
 21 legislative council with a report evaluating the effectiveness of the  
 22 program established under this section.

23 (e) The bureau is not liable for any costs related to a contract  
 24 entered into under this section that are disallowed for  
 25 reimbursement by the federal government under the Title IV-D  
 26 program of the federal Social Security Act.

27 (f) The bureau shall treat costs incurred by a prosecuting  
 28 attorney under this section as administrative costs of the  
 29 prosecuting attorney."

30 Page 4, between lines 6 and 7, begin a new paragraph and insert:

31 "SECTION 8. IC 31-11-4-4 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) An application  
 33 for a marriage license must be written and verified. The application  
 34 must contain the following information concerning each of the  
 35 applicants:

36 (1) Full name.

37 (2) Birthplace.

38 (3) Residence.

39 (4) Age.

40 (5) Names of dependent children.

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

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

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

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

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

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

4 ACKNOWLEDGMENT

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

9 \_\_\_\_\_  
 10 Signature of Applicant

\_\_\_\_\_ Date

11 \_\_\_\_\_  
 12 Signature of Applicant

\_\_\_\_\_ Date

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

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

20 **(d) The state department of health shall require that the record**  
 21 **of marriage form developed under subsection (c) must include each**  
 22 **applicant's Social Security number which must be obtained unless**  
 23 **the applicant objects. The record of marriage form must specify**  
 24 **that an applicant is not required by law to reveal the applicant's**  
 25 **Social Security number as part of the marriage application. Any**  
 26 **Social Security numbers collected on the record of marriage form**  
 27 **shall be kept confidential and used only to carry out the purposes**  
 28 **of the Title IV-D program. A person who knowingly or**  
 29 **intentionally violates confidentiality regarding an applicant's**  
 30 **Social Security numbers as described in this subsection commits a**  
 31 **Class A infraction.**

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

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

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

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

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

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

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

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

47 Page 4, between lines 16 and 17, begin a new paragraph and insert:  
 48 "SECTION 10. IC 31-14-11-15 IS AMENDED TO READ AS  
 49 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. At the time of the  
 50 issuance or modification of a support order, the parties affected by the  
 51 order shall inform the clerk of:

1 (1) any change of address and any other conditions that may affect  
 2 the administration of the order; ~~and~~  
 3 (2) whether any of the parties is receiving or has received  
 4 assistance under the federal Aid to Families with Dependent  
 5 Children program (42 U.S.C. 601 et seq.); **and**  
 6 **(3) the Social Security number of any child affected by the**  
 7 **order.**

8 **The Social Security number required under subdivision (3) shall be**  
 9 **kept confidential and used only to carry out the purposes of the**  
 10 **Title IV-D program.**

11 SECTION 11. IC 31-16-9-3 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. At the time of the  
 13 issuance or modification of a support order, the parties affected by the  
 14 order shall inform the clerk of the court of:

15 (1) any change of address or other conditions that may affect the  
 16 administration of the order; ~~and~~  
 17 (2) whether any of the parties is receiving or has received  
 18 assistance under the federal Aid to Families with Dependent  
 19 Children program (42 U.S.C. 601 et seq.); **and**  
 20 **(3) the Social Security number of any child affected by the**  
 21 **order.**

22 **The Social Security number required under subdivision (3) shall be**  
 23 **kept confidential and used only to carry out the purposes of the**  
 24 **Title IV-D program."**

25 Renumber all SECTIONS consecutively.  
 (Reference is to EHB 1590 as reprinted April 9, 1999.)

**Conference Committee Report**  
**on**  
**House Bill 1590**

**S**igned by:

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Senator Bray

\_\_\_\_\_  
Representative Dvorak

\_\_\_\_\_  
Senator Simpson

\_\_\_\_\_  
Representative Pond

**Senate Conferees**

**House Conferees**