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# SENATE BILL No. 361

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-14-11-4.5; IC 31-16-6-6.5.

**Synopsis:** Support for postsecondary educational expenses. Prohibits a court from ordering a parent to pay for a child's postsecondary educational expenses that exceed the costs assessed by a public institution of higher learning. Provides that even if the child attends a private institution of higher learning, the court may not order costs that exceed the average costs assessed by a public institution with a similar course of study. Prohibits a court from ordering the payment of postsecondary educational expenses for a child who chooses not to pursue an education at an institution of higher learning where the child has the opportunity to receive tuition, room, and board at the institution of higher learning at no cost. Requires the child to maintain at least a C grade average under certain circumstances in order to be eligible to receive parental financial support for the child's postsecondary education. Provides that these requirements apply to support orders issued in both paternity and dissolution of marriage actions.

**Effective:** July 1, 2000.

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January 10, 2000, read first time and referred to Committee on Judiciary.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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# SENATE BILL No. 361



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 31-14-11-4.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2000]: **Sec. 4.5. (a) Except as provided in**  
4 **subsection (b), a court may not order payment of a child's**  
5 **educational expenses at an institution of higher learning that**  
6 **exceed:**

- 7 (1) **the average costs assessed by the institution of higher**
- 8 **learning that the child attends or plans to attend; or**
- 9 (2) **the actual expense, if less.**

10 **However, if the child attends a private institution of higher**  
11 **learning, the court may not order the payment of educational**  
12 **expenses that exceed the average costs assessed by an Indiana state**  
13 **supported institution that offers a similar course of study.**

14 (b) **A court may not order the payment of a child's**  
15 **postsecondary educational expenses if the child chooses not to**  
16 **pursue an education at an institution of higher learning where the**  
17 **child has the opportunity to receive tuition, room, and board at the**



1 institution of higher learning at no cost.

2 (c) This subsection does not apply to:

- 3 (1) a child's first year of study at an institution of higher  
4 learning; or  
5 (2) any academic period in which the child experiences exigent  
6 circumstances, such as the child's illness or the death of a  
7 parent.

8 A child is not eligible for the court ordered payment of educational  
9 expenses at an institution of higher learning if the child does not  
10 maintain at least a C grade average or its equivalent following any  
11 semester in which the child did not maintain at least a C grade  
12 average or its equivalent. A parent may petition to terminate a  
13 support order providing for the payment of educational expenses  
14 if the child does not maintain a C average as described in this  
15 subsection.

16 SECTION 2. IC 31-16-6-6.5 IS ADDED TO THE INDIANA CODE  
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
18 1, 2000]: Sec. 6.5. (a) Except as provided in subsection (b), a court  
19 may not order payment of a child's educational expenses at an  
20 institution of higher learning that exceed:

- 21 (1) the average costs assessed by the institution of higher  
22 learning that the child attends or plans to attend; or  
23 (2) the actual expense, if less.

24 However, if the child attends a private institution of higher  
25 learning, the court may not order the payment of educational  
26 expenses that exceed the average costs assessed by an Indiana state  
27 supported institution that offers a similar course of study.

28 (b) A court may not order the payment of a child's  
29 postsecondary educational expenses if the child chooses not to  
30 pursue an education at an institution of higher learning where the  
31 child has the opportunity to receive tuition, room, and board at the  
32 institution of higher learning at no cost.

33 (c) This subsection does not apply to:

- 34 (1) a child's first year of study at an institution of higher  
35 learning; or  
36 (2) any academic period in which the child experiences exigent  
37 circumstances, such as the child's illness or the death of a  
38 parent.

39 A child is not eligible for the court ordered payment of educational  
40 expenses at an institution of higher learning if the child does not  
41 maintain at least a C grade average or its equivalent following any  
42 semester in which the child did not maintain at least a C grade

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1     **average or its equivalent. A parent may petition to terminate a**  
2     **support order providing for the payment of educational expenses**  
3     **if the child does not maintain a C average as described in this**  
4     **subsection.**

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