

SENATE BILL No. 460

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2; IC 31-16-5.5.

Synopsis: Child support guidelines. Requires the supreme court of Indiana to adopt child support guidelines for application in all child support proceedings. Requires that the guidelines must use a net income approach and must include a self-support reserve for both the custodial parent and the noncustodial parent in an amount equal to the federal poverty level for a household of one person. Creates a rebuttable presumption that a child support award in the amount that would result from application of the guidelines is the correct amount of support. Specifies that the presumption is rebutted by a written finding or specific finding on the record that the application of the child support guidelines would be unjust or inappropriate in a particular case. Requires the supreme court to review the child support guidelines at least once every four years. Requires the supreme court to require all courts to apply the child support guidelines beginning January 1, 2001.

Effective: July 1, 2000.

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

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Introduced

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.

SENATE BILL No. 460



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 31-9-2-18 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 18. "Child support
3 guidelines", for purposes of IC 31-14-11-8 and IC 31-16-8-1, refers to
4 the guidelines adopted by the Indiana supreme court **under**
5 **IC 31-16-5.5-1.**

6 SECTION 2. IC 31-9-2-45.5 IS ADDED TO THE INDIANA CODE
7 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2000]: **Sec. 45.5. "Federal income poverty level", for purposes of**
9 **IC 31-16-5.5-2, means the nonfarm income official poverty line as**
10 **determined annually by the federal Office of Management and**
11 **Budget.**

12 SECTION 3. IC 31-9-2-82.5 IS ADDED TO THE INDIANA CODE
13 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2000]: **Sec. 82.5. "Net income", for purposes of IC 31-16-5.5-2,**
15 **means the total of all income from all sources, minus the following**
16 **deductions:**

17 (1) **Federal income tax (properly calculated withholding or**



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1 estimated payments).

2 (2) State income tax (properly calculated withholding or
3 estimated payments).

4 (3) Social Security (FICA payments).

5 (4) Any mandatory deductions or contributions required by
6 law or as a condition of employment.

7 (5) Union dues.

8 (6) Expenditures for repayment of debts that represent any of
9 the following:

10 (A) Reasonable and necessary expenses for the production
11 of income.

12 (B) Medical expenditures necessary to preserve life or
13 health.

14 SECTION 4. IC 31-16-5.5 IS ADDED TO THE INDIANA CODE
15 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2000]:

17 **Chapter 5.5. Child Support Guidelines**

18 **Sec. 1.** The supreme court of Indiana shall adopt child support
19 guidelines for application in all child support proceedings under
20 IC 31-14 and this article.

21 **Sec. 2.** The child support guidelines adopted under section 1 of
22 this chapter must:

23 (1) use a net income approach; and

24 (2) include a self-support reserve for the:

25 (A) custodial parent; and

26 (B) noncustodial parent;

27 in an amount equal to the federal income poverty level for a
28 household of one (1) person.

29 **Sec. 3.** (a) There is a rebuttable presumption that the amount of
30 child support that would result from the application of the child
31 support guidelines adopted under section 1 of this chapter is the
32 correct amount of child support to be awarded.

33 (b) A court may order an amount of child support different
34 from the amount that would result from the application of the child
35 support guidelines if the court finds that the application of the
36 child support guidelines would be unjust or inappropriate in a
37 particular case, as determined by the criteria established under
38 IC 31-14-11-8 or IC 31-16-8-1.

39 (c) A written finding or specific finding on the record that the
40 application of the child support guidelines would be unjust or
41 inappropriate in a particular case is sufficient to rebut the
42 presumption under subsection (a).



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1 **Sec. 4. The supreme court of Indiana shall review the child**
2 **support guidelines adopted under section 1 of this chapter not less**
3 **than one (1) time every four (4) years to ensure that the application**
4 **of the child support guidelines results in the determination of**
5 **appropriate child support award amounts.**
6 **SECTION 5. [EFFECTIVE JULY 1, 2000] Notwithstanding**
7 **IC 31-16-5.5, as added by this act, the supreme court of Indiana**
8 **shall require courts to apply the guidelines adopted by the supreme**
9 **court of Indiana under IC 31-16-5.5-1, as added by this act,**
10 **beginning January 1, 2001.**

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