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# HOUSE BILL No. 1038

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-14-11; IC 31-16-6-2; IC 31-16-6-2.5.

**Synopsis:** Limit on child support for post-secondary expense. Limits the amount of child support that a court, in both dissolution and paternity cases, may order a noncustodial parent to pay for post-secondary educational expenses to the cost of the state educational institution closest to the child's home, minus the portion of the expenses to be borne by the child, multiplied by the noncustodial parent's percentage share of the total weekly adjusted income of both parents, unless the noncustodial parent consents to the choice of institution.

**Effective:** July 1, 2000.

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### Sturtz

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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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# HOUSE BILL No. 1038



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 31-14-11-3 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) Where
- 3 appropriate, the support order may include:
- 4 (1) money for the child's education beyond grade 12, **subject to**
- 5 **section 3.5 of this chapter and** after the court has considered:
- 6 (A) the child's aptitude and ability;
- 7 (B) the child's reasonable ability to contribute to educational
- 8 expenses through:
- 9 (i) work;
- 10 (ii) obtaining loans; and
- 11 (iii) obtaining other sources of financial aid reasonably
- 12 available to the child and the parent or parents; and
- 13 (C) the ability of the parents to meet these expenses;
- 14 (2) special medical, hospital, or dental expenses necessary to
- 15 serve the best interests of the child;
- 16 (3) fees mandated under Title IV-D of the federal Social Security
- 17 Act (42 U.S.C. 651 through 669); and



1 (4) basic health and hospitalization insurance coverage for the  
2 child.

3 (b) If, however, the Title IV-D agency initiates action to establish or  
4 modify a support obligation and petitions the court to include basic  
5 health and hospitalization insurance coverage in the support order, the  
6 court shall consider including a provision for this insurance coverage  
7 if the insurance coverage is available to the parent at reasonable cost.

8 SECTION 2. IC 31-14-11-3.5 IS ADDED TO THE INDIANA  
9 CODE AS A NEW SECTION TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2000]: **Sec. 3.5. If a court orders money for  
11 a child's education beyond grade 12 under section 3 of this chapter,  
12 the amount that the noncustodial parent may be ordered to pay  
13 may not, unless the noncustodial parent consents to the choice of  
14 educational institution, exceed the product of:**

- 15 (1) **the difference between:**  
16 (A) **the costs assessed for a similar course of study by the**  
17 **state educational institution (as defined in IC 20-12-0.5-1),**  
18 **including regional campuses, closest to the child's home;**  
19 **and**  
20 (B) **the amount that the child is ordered to bear; multiplied**  
21 **by**  
22 (2) **the noncustodial parent's percentage share of the total**  
23 **weekly adjusted income of both parents as reflected on the**  
24 **child support worksheet.**

25 SECTION 3. IC 31-16-6-2 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. (a) The child support  
27 order or an educational support order may also include, where  
28 appropriate:

- 29 (1) amounts for the child's education in elementary and secondary  
30 schools and at institutions of higher learning, **subject to section**  
31 **2.5 of this chapter and** taking into account:  
32 (A) the child's aptitude and ability;  
33 (B) the child's reasonable ability to contribute to educational  
34 expenses through:  
35 (i) work;  
36 (ii) obtaining loans; and  
37 (iii) obtaining other sources of financial aid reasonably  
38 available to the child and each parent; and  
39 (C) the ability of each parent to meet these expenses;  
40 (2) special medical, hospital, or dental expenses necessary to  
41 serve the best interests of the child; and  
42 (3) fees mandated under Title IV-D of the federal Social Security



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Act (42 U.S.C. 651 through 669).  
(b) If the court orders support for a child's educational expenses at an institution of higher learning under subsection (a), the court shall reduce other child support for that child that:

- (1) is duplicated by the educational support order; and
- (2) would otherwise be paid to the custodial parent.

SECTION 4. IC 31-16-6-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 2.5. If a court orders money for a child's education beyond grade 12 under section 2 of this chapter, the amount that the noncustodial parent may be ordered to pay may not, unless the noncustodial parent consents to the choice of educational institution, exceed the product of:**

- (1) the difference between:
  - (A) the costs assessed for a similar course of study by the state educational institution (as defined in IC 20-12-0.5-1), including regional campuses, closest to the child's home; and
  - (B) the amount that the child is ordered to bear; and
- (2) the noncustodial parent's percentage share of the total weekly adjusted income of both parents as reflected on the child support worksheet.

SECTION 5. [EFFECTIVE JULY 1, 2000] IC 31-14-11-3.5 and IC 31-16-6-2.5, both as added by this act, apply only to post-secondary educational expense child support orders originally issued after June 30, 2000.

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