

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 46, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1 Page 4, between lines 9 and 10, begin a new paragraph and insert:
2 "SECTION 5. IC 12-17-2-18, AS AMENDED BY P.L.138-2001,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2004]: Sec. 18. (a) The bureau shall make the agreements
5 necessary for the effective administration of the plan with local
6 governmental officials within Indiana. The bureau shall contract with:
7 (1) a prosecuting attorney; or
8 (2) a private attorney if the bureau determines that a reasonable
9 contract cannot be entered into with a prosecuting attorney and
10 the determination is approved by at least two-thirds (2/3) of the
11 Indiana child custody and support advisory committee (established
12 under IC 33-2.1-10-1);
13 in each judicial circuit to undertake activities required to be performed
14 under Title IV-D of the federal Social Security Act (42 U.S.C. 651),
15 including establishment of paternity, establishment, enforcement, and
16 modification of child support orders, activities under the Uniform
17 Reciprocal Enforcement of Support Act (IC 31-2-1, before its repeal)
18 or the Uniform Interstate Family Support Act (IC 31-18, or IC 31-1.5
19 before its repeal), and if the contract is with a prosecuting attorney,

1 prosecutions of welfare fraud.

2 (b) The hiring of an attorney by an agreement or a contract made
3 under this section is not subject to the approval of the attorney general
4 under IC 4-6-5-3. An agreement or a contract made under this section
5 is not subject to IC 4-13-2-14.3 or IC 5-22.

6 (c) Subject to section 18.5 of this chapter, a prosecuting attorney
7 with which the bureau contracts under subsection (a) may contract
8 with a private organization to provide child support enforcement
9 services.

10 (d) A prosecuting attorney or private attorney entering into an
11 agreement or a contract with the bureau under this section enters into
12 an attorney-client relationship with the state to represent the interests of
13 the state in the effective administration of the plan and not the interests
14 of any other person. An attorney-client relationship is not created with
15 any other person by reason of an agreement or contract with the
16 bureau.

17 (e) At the time that an application for child support services is made,
18 the applicant must be informed that:

19 (1) an attorney who provides services for the child support bureau
20 is the attorney for the state and is not providing legal
21 representation to the applicant; and

22 (2) communications made by the applicant to the attorney and the
23 advice given by the attorney to the applicant are not confidential
24 communications protected by the privilege provided under
25 IC 34-46-3-1.

26 **(f) A prosecuting attorney or private attorney who contracts or**
27 **agrees under this section to undertake activities required to be**
28 **performed under Title IV-D is not required to prepare, present, or**
29 **litigate a matter relating to parenting time or parenting time**
30 **credit."**

31 Page 15, between lines 10 and 11, begin a new paragraph and insert:

32 "SECTION 29. IC 31-16-2-9 IS ADDED TO THE INDIANA CODE
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 2004]: **Sec. 9. (a) In a case filed or brought by a Title IV-D**
35 **agency, there is a rebuttable presumption that the noncustodial**
36 **parent has an annual average of fifty-two (52) days of overnight**
37 **visits as defined in the parenting time guidelines adopted by the**
38 **Indiana supreme court.**

39 **(b) Either party may present evidence to rebut the presumption**

1 **described in subsection (a), or that otherwise contests the**
2 **parenting time credit."**

3 Renumber all SECTIONS consecutively.
(Reference is to SB 46 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 10, Nays 0.

Senator Bray, Chairperson