
HOUSE BILL No. 1208

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-15-10-1; IC 31-16-11-1; IC 31-17-7-1.

Synopsis: Attorney's fees. Provides that certain attorney's fees awarded during a dissolution of marriage, legal separation, child custody, or child support action are not payable until: (1) the time period for filing an appeal expires, if no appeal is timely filed; or (2) the decision of the appellate court is certified.

Effective: July 1, 2006.

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January 9, 2006, read first time and referred to Committee on Judiciary.

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Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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HOUSE BILL No. 1208



A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-15-10-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) **Subject to**
3 **subsection (c)**, the court periodically may order a party to pay a
4 reasonable amount for the cost to the other party of maintaining or
5 defending any proceeding under this article and for attorney's fees and
6 mediation services, including amounts for legal services provided and
7 costs incurred before the commencement of the proceedings or after
8 entry of judgment.

9 (b) The court may order the amount to be paid directly to the
10 attorney, who may enforce the order in the attorney's name.

11 (c) **If a court orders a party to pay attorney's fees under**
12 **subsection (a), the attorney's fees are not payable until:**

13 (1) **the time period for filing an appeal expires, if the party**
14 **does not timely file an appeal; or**

15 (2) **the opinion or memorandum decision of the appellate**
16 **court is certified.**

17 SECTION 2. IC 31-16-11-1 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) **Subject to**
2 **subsection (c)**, the court periodically may order a party to pay a
3 reasonable amount for:

4 (1) the cost to the other party of maintaining or defending any
5 proceeding under this chapter, IC 31-16-2 through IC 31-16-10,
6 or IC 31-16-12;

7 (2) attorney's fees; and

8 (3) mediation services;

9 including amounts for legal services provided and costs incurred before
10 the commencement of the proceedings or after entry of judgment.

11 (b) The court may order the amount to be paid directly to the
12 attorney, who may enforce the order in the attorney's name.

13 **(c) If a court orders a party to pay attorney's fees under**
14 **subsection (a)(2), the attorney's fees are not payable until:**

15 **(1) the time period for filing an appeal expires, if the party**
16 **does not timely file an appeal; or**

17 **(2) the opinion or memorandum decision of the appellate**
18 **court is certified.**

19 SECTION 3. IC 31-17-7-1 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) **Subject to**
21 **subsection (c)**, the court periodically may order a party to pay a
22 reasonable amount for the cost to the other party of maintaining or
23 defending any proceeding under IC 31-17-2, IC 31-17-4, IC 31-17-6,
24 or this chapter and for attorney's fees and mediation services, including
25 amounts for legal services provided and costs incurred before the
26 commencement of the proceedings or after entry of judgment.

27 (b) The court may order the amount to be paid directly to the
28 attorney, who may enforce the order in the attorney's name.

29 **(c) If a court orders a party to pay attorney's fees under**
30 **subsection (a), the attorney's fees are not payable until:**

31 **(1) the time period for filing an appeal expires, if the party**
32 **does not timely file an appeal; or**

33 **(2) the opinion or memorandum decision of the appellate**
34 **court is certified.**

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