



February 23, 2007

SENATE BILL No. 329

DIGEST OF SB 329 (Updated February 21, 2007 4:16 pm - DI 106)

Citations Affected: IC 4-31; IC 4-33; IC 9-25; IC 14-11; IC 25-1; IC 27-1; IC 27-10; IC 31-9; IC 31-14; IC 31-16; IC 31-25; IC 33-37; IC 34-30.

Synopsis: Child support. Requires: (1) a court that orders, modifies, or enforces a child support order in a Title IV-D case to issue an immediate income withholding of an obligor's income; and (2) the bureau of child support to prescribe standard income withholding order and notice forms. Establishes: (1) requirements for implementation of an income withholding order; (2) amounts to be withheld under certain income withholding orders; (3) notice requirements concerning income withholding orders; and (4) income withholding requirements for income payors. Provides that: (1) a court may stay implementation of an income withholding order if certain requirements are met; (2) if a court does not issue an income withholding order, a Title IV-D agency may issue an income withholding order; (3) a Title IV-D agency may lift a stay of implementation of an income withholding order if certain conditions are met; (4) an obligor or obligee may file a petition to lift a stay; (5) an income payor who fails to comply with an income withholding order is liable under certain circumstances; and (6) a Title IV-D agency or its agent is not subject to civil liability for income withheld and paid in accordance with an income withholding order. Provides that an income payor that discharges from employment, refuses to employ, takes disciplinary action, or otherwise discriminates against an obligor because of an income withholding order is subject to a penalty not to exceed \$5,000. Requires a: (1) Title IV-D agency that collects at least \$500 of child support for an individual who has never received Title IV-A assistance to charge an annual fee, which
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Effective: July 1, 2007; January 1, 2008.

Lawson C, Broden

January 11, 2007, read first time and referred to Committee on Judiciary.
February 22, 2007, amended, reported favorably — Do Pass.

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Digest Continued

must be collected from child support payments, the parent who owes child support, or state funds appropriated for the purpose of paying the fee; and (2) child support order to include an order for medical support to be provided by either or both parents. Changes the annual child support fee from \$30 to \$55. Permits a Title IV-D agency to increase the weekly amount withheld from an obligor subject to an income withholding order who is in arrears. Adds a cross reference to an existing provision regarding the review and adjustment of child support orders. Repeals and replaces provisions concerning the issuance and activation of income withholding orders. Makes other changes and conforming amendments.

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February 23, 2007

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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SENATE BILL No. 329

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 4-31-6-11, AS AMENDED BY P.L.145-2006,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 11. (a) Upon receiving an order from the bureau
4 (Title IV-D agency) under IC 31-25-4-32(h), the commission shall send
5 to the person who is the subject of the order a notice that does the
6 following:
7 (1) States that the person is delinquent and is subject to an order
8 placing the person on probationary status.
9 (2) Explains that unless the person contacts the bureau and:
10 (A) pays the person's child support arrearage in full;
11 (B) requests the activation of an income withholding order
12 under ~~IC 31-16-15-2~~ and establishes a payment plan with the
13 bureau to pay the arrearage, **which must include an income**
14 **withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;**
15 or

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- 1 (C) requests a hearing under IC 31-25-4-33;
- 2 within twenty (20) days after the date the notice is mailed, the
- 3 commission shall place the person on probationary status with
- 4 respect to any license issued to the person under this chapter.
- 5 (3) Explains that the person may contest the bureau's
- 6 determination that the person is delinquent and subject to an order
- 7 placing the person on probationary status by making written
- 8 application to the bureau within twenty (20) days after the date
- 9 the notice is mailed.
- 10 (4) Explains that the only basis for contesting the bureau's
- 11 determination that the person is delinquent and subject to an order
- 12 placing the person on probationary status is a mistake of fact.
- 13 (5) Explains the procedures to:
- 14 (A) pay the person's child support arrearage in full;
- 15 (B) establish a payment plan with the bureau to pay the
- 16 arrearage, **which must include an income withholding order**
- 17 **under IC 31-16-15-2 or IC 31-16-15-2.5; and**
- 18 ~~(C) request the activation of an income withholding order~~
- 19 ~~under IC 31-16-15-2; and~~
- 20 ~~(D) (C) request a hearing under IC 31-25-4-33.~~
- 21 (6) Explains that the probation will terminate ten (10) business
- 22 days after the commission receives a notice from the bureau that
- 23 the person has:
- 24 (A) paid the person's child support arrearage in full; or
- 25 (B) established a payment plan with the bureau to pay the
- 26 arrearage, ~~and requested the activation of~~ **which includes** an
- 27 income withholding order under IC 31-16-15-2 **or**
- 28 **IC 31-16-15-2.5.**
- 29 (b) Upon receiving an order from the bureau (Title IV-D agency)
- 30 under IC 31-25-4-34(c), the commission shall send to the person who
- 31 is the subject of the order a notice that states the following:
- 32 (1) That a license issued to the person under this chapter has been
- 33 placed on probationary status, beginning five (5) business days
- 34 after the date the notice is mailed, and that the probation will
- 35 terminate ten (10) business days after the commission receives a
- 36 notice from the bureau that the person has:
- 37 (A) paid the person's child support arrearage in full; or
- 38 (B) established a payment plan with the bureau to pay the
- 39 arrearage, ~~and requested the activation of~~ **which includes** an
- 40 income withholding order under IC 31-16-15-2 **or**
- 41 **IC 31-16-15-2.5.**
- 42 (2) That if the commission is advised by the bureau that the

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1 person whose license has been placed on probationary status has
2 failed to:

- 3 (A) pay the person's child support arrearage in full; or
- 4 (B) establish a payment plan with the bureau to pay the
- 5 arrearage, ~~and request the activation of~~ **which includes** an
- 6 income withholding order under IC 31-16-15-2 **or**
- 7 **IC 31-16-15-2.5;**

8 within twenty (20) days after the date the notice is mailed, the
9 commission shall suspend the person's license.

10 (c) If a person whose license has been placed on probationary status
11 fails to:

- 12 (1) pay the person's child support arrearage in full; or
- 13 (2) establish a payment plan with the bureau to pay the arrearage,
- 14 ~~and request the activation of~~ **which includes** an income
- 15 withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;**

16 within twenty (20) days after the notice required under subsection (b)
17 is mailed, the commission shall suspend the person's license.

18 (d) The commission may not reinstate a license placed on probation
19 or suspended under this section until the commission receives a notice
20 from the bureau that the person has:

- 21 (1) paid the person's child support arrearage in full; or
- 22 (2) established a payment plan with the bureau to pay the
- 23 arrearage, ~~and requested the activation of~~ **which includes** an
- 24 income withholding order under IC 31-16-15-2 **or**
- 25 **IC 31-16-15-2.5.**

26 SECTION 2. IC 4-33-8.5-3, AS AMENDED BY P.L.145-2006,
27 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2007]: Sec. 3. (a) Upon receiving an order from the bureau
29 (Title IV-D agency) under IC 31-25-4-32(h), the commission shall send
30 to the person who is the subject of the order a notice that does the
31 following:

- 32 (1) States that the person is delinquent and is subject to an order
- 33 placing the person on probationary status.
- 34 (2) Explains that unless the person contacts the bureau and:
 - 35 (A) pays the person's child support arrearage in full;
 - 36 (B) ~~requests the activation of an income withholding order~~
 - 37 ~~under IC 31-16-15-2~~ **and** establishes a payment plan with the
 - 38 bureau to pay the arrearage, **which must include an income**
 - 39 **withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;**
 - 40 or
 - 41 (C) requests a hearing under IC 31-25-4-33;
 - 42 within twenty (20) days after the date the notice is mailed, the

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- 1 commission shall place the person on probationary status with
- 2 respect to any license issued to the person under this chapter.
- 3 (3) Explains that the person may contest the bureau's
- 4 determination that the person is delinquent and subject to an order
- 5 placing the person on probationary status by making written
- 6 application to the bureau within twenty (20) days after the date
- 7 the notice is mailed.
- 8 (4) Explains that the only basis for contesting the bureau's
- 9 determination that the person is delinquent and subject to an order
- 10 placing the person on probationary status is a mistake of fact.
- 11 (5) Explains the procedures to:
- 12 (A) pay the person's child support arrearage in full;
- 13 (B) establish a payment plan with the bureau to pay the
- 14 arrearage, **which must include an income withholding order**
- 15 **under IC 31-16-15-2 or IC 31-16-15-2.5; and**
- 16 ~~(C) request the activation of an income withholding order~~
- 17 ~~under IC 31-16-15-2; and~~
- 18 ~~(D) (C) request a hearing under IC 31-25-4-33.~~
- 19 (6) Explains that the probation will terminate ten (10) business
- 20 days after the commission receives a notice from the bureau that
- 21 the person has:
- 22 (A) paid the person's child support arrearage in full; or
- 23 (B) established a payment plan with the bureau to pay the
- 24 arrearage, **and requested the activation of which includes an**
- 25 **income withholding order under IC 31-16-15-2 or**
- 26 **IC 31-16-15-2.5.**
- 27 (b) Upon receiving an order from the bureau (Title IV-D agency)
- 28 under IC 31-25-4-34(c), the commission shall send to the person who
- 29 is the subject of the order a notice that states the following:
- 30 (1) That a license issued to the person under this article has been
- 31 placed on probationary status, beginning five (5) business days
- 32 after the date the notice is mailed, and that the probation will
- 33 terminate ten (10) business days after the commission receives a
- 34 notice from the bureau that the person has:
- 35 (A) paid the person's child support arrearage in full; or
- 36 (B) established a payment plan with the bureau to pay the
- 37 arrearage, **and requested the activation of which includes an**
- 38 **income withholding order under IC 31-16-15-2 or**
- 39 **IC 31-16-15-2.5.**
- 40 (2) That if the commission is advised by the bureau that the
- 41 person whose license has been placed on probationary status has
- 42 failed to:

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- 1 (A) pay the person's child support arrearage in full; or
- 2 (B) establish a payment plan with the bureau to pay the
- 3 arrearage, ~~and request the activation of which includes~~ an
- 4 income withholding order under IC 31-16-15-2 **or**
- 5 **IC 31-16-15-2.5;**

6 within twenty (20) days after the date the notice is mailed, the
 7 commission shall suspend the person's license.

8 (c) If a person whose license has been placed on probationary status
 9 fails to:

- 10 (1) pay the person's child support arrearage in full; or
- 11 (2) establish a payment plan with the bureau to pay the arrearage,
- 12 ~~and request the activation of which includes~~ an income
- 13 withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;**

14 within twenty (20) days after the notice required under subsection (b)
 15 is mailed, the commission shall suspend the person's license.

16 (d) The commission may not reinstate a license placed on probation
 17 or suspended under this section until the commission receives a notice
 18 from the bureau that the person has:

- 19 (1) paid the person's child support arrearage in full; or
- 20 (2) established a payment plan with the bureau to pay the
- 21 arrearage, ~~and requested the activation of which includes~~ an
- 22 income withholding order under IC 31-16-15-2 **or**
- 23 **IC 31-16-15-2.5.**

24 SECTION 3. IC 9-25-6-20, AS AMENDED BY P.L.145-2006,
 25 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2007]: Sec. 20. (a) If the bureau is advised by the Title IV-D
 27 agency that the obligor (as defined in IC 31-25-4-4) either requested a
 28 hearing under IC 31-25-4-33 and failed to appear or appeared and was
 29 found to be delinquent, the bureau shall promptly mail a notice to the
 30 obligor stating the following:

31 (1) That the obligor's driving privileges are suspended, beginning
 32 twenty (20) business days after the date the notice is mailed, and
 33 that the suspension will terminate after the bureau receives a
 34 notice from the Title IV-D agency that the obligor has:

- 35 (A) paid the obligor's child support arrearage in full; or
- 36 (B) established a payment plan with the Title IV-D agency to
- 37 pay the arrearage, ~~and requested the activation of which~~
- 38 **includes** an income withholding order under IC 31-16-15-2 **or**
- 39 **IC 31-16-15-2.5.**

40 (2) That the obligor may be granted a restricted driving permit
 41 under IC 9-24-15-6.7 if the obligor can prove that public
 42 transportation is unavailable for travel by the obligor:

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- 1 (A) to and from the obligor's regular place of employment;
- 2 (B) in the course of the obligor's regular employment;
- 3 (C) to and from the obligor's place of worship; or
- 4 (D) to participate in parenting time with the petitioner's
- 5 children consistent with a court order granting parenting time.
- 6 (b) The bureau may not reinstate a driving license or permit
- 7 suspended under this section until the bureau receives a notice from the
- 8 Title IV-D agency that the obligor has:
 - 9 (1) paid the obligor's child support arrearage in full; or
 - 10 (2) established a payment plan with the Title IV-D agency to pay
 - 11 the arrearage, ~~and requested the activation of which includes~~ an
 - 12 income withholding order under IC 31-16-15-2 **or**
 - 13 **IC 31-16-15-2.5.**
- 14 (c) Unless an obligor whose driving license or permit is suspended
- 15 under this section has been issued a restricted driving permit under
- 16 IC 9-24-15 as a result of a suspension under this section, an obligor
- 17 who operates a motor vehicle in violation of the section commits a
- 18 Class A infraction.
- 19 SECTION 4. IC 14-11-3-4, AS AMENDED BY P.L.145-2006,
- 20 SECTION 131, IS AMENDED TO READ AS FOLLOWS
- 21 [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Upon receiving an order from
- 22 the bureau under IC 31-25-4-32(j), the director shall send to the person
- 23 who is the subject of the order a notice that does the following:
 - 24 (1) States that the person is delinquent and is subject to an order
 - 25 placing the person on probationary status.
 - 26 (2) Explains that unless the person contacts the bureau and:
 - 27 (A) pays the person's child support arrearage in full;
 - 28 (B) ~~requests the activation of an income withholding order~~
 - 29 ~~under IC 31-16-15-2 and~~ establishes a payment plan with the
 - 30 bureau to pay the arrearage, **which must include an income**
 - 31 **withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;**
 - 32 or
 - 33 (C) requests a hearing under IC 31-25-4-33;
- 34 within twenty (20) days after the date the notice is mailed, the
- 35 director shall place the person on probationary status with respect
- 36 to any license issued to the person under IC 14-22-12,
- 37 IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7,
- 38 or IC 14-31-3.
- 39 (3) Explains that the person may contest the bureau's
- 40 determination that the person is delinquent and subject to an order
- 41 placing the person on probationary status by making written
- 42 application to the bureau within twenty (20) days after the date

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1 the notice is mailed.

2 (4) Explains that the only basis for contesting the bureau's
3 determination that the person is delinquent and subject to an order
4 placing the person on probationary status is a mistake of fact.

5 (5) Explains the procedures to:

6 (A) pay the person's child support arrearage in full;

7 (B) establish a payment plan with the bureau to pay the
8 arrearage, **which must include an income withholding order**
9 **under IC 31-16-15-2 or IC 31-16-15-2.5; and**

10 ~~(C) request the activation of an income withholding order~~
11 ~~under IC 31-16-15-2; and~~

12 ~~(D) (C) request a hearing under IC 31-25-4-33.~~

13 (6) Explains that the probation will terminate ten (10) business
14 days after the director receives a notice from the bureau that the
15 person has:

16 (A) paid the person's child support arrearage in full; or

17 (B) established a payment plan with the bureau to pay the
18 arrearage, **and requested the activation of which includes** an
19 income withholding order under IC 31-16-15-2 **or**
20 **IC 31-16-15-2.5.**

21 (b) Upon receiving an order from the bureau under
22 IC 31-25-4-34(e), the director shall send to the person who is the
23 subject of the order a notice that states the following:

24 (1) That a license issued to the person under IC 14-22-12,
25 IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7,
26 or IC 14-31-3 has been placed on probationary status, beginning
27 five (5) business days after the date the notice is mailed, and that
28 the probation will terminate ten (10) business days after the
29 director receives a notice from the bureau that the person has:

30 (A) paid the person's child support arrearage in full; or

31 (B) established a payment plan with the bureau to pay the
32 arrearage, **and requested the activation of which includes** an
33 income withholding order under IC 31-16-15-2 **or**
34 **IC 31-16-15-2.5.**

35 (2) That if the director is advised by the bureau that the person
36 whose license has been placed on probationary status has failed
37 to:

38 (A) pay the person's child support arrearage in full; or

39 (B) establish a payment plan with the bureau to pay the
40 arrearage, **and request the activation of which includes** an
41 income withholding order under IC 31-16-15-2 **or**
42 **IC 31-16-15-2.5;**

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1 within twenty (20) days after the date the notice is mailed, the
2 director shall suspend the person's license.

3 (c) If a person whose license has been placed on probationary status
4 fails to:

- 5 (1) pay the person's child support arrearage in full; or
- 6 (2) establish a payment plan with the bureau to pay the arrearage,
7 ~~and request the activation of which includes~~ an income
8 withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;**

9 within twenty (20) days after the notice required under subsection (b)
10 is mailed, the director shall suspend the person's license.

11 (d) The director may not reinstate a license placed on probation or
12 suspended under this section until the director receives a notice from
13 the bureau that the person has:

- 14 (1) paid the person's child support arrearage in full; or
- 15 (2) established a payment plan with the bureau to pay the
16 arrearage, ~~and requested the activation of which includes~~ an
17 income withholding order under IC 31-16-15-2 **or**
18 **IC 31-16-15-2.5.**

19 SECTION 5. IC 25-1-1.2-8, AS AMENDED BY P.L.145-2006,
20 SECTION 158, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The board shall, upon
22 receiving an order from the bureau under IC 31-25-4-32(e), send a
23 notice to the practitioner identified by the bureau that includes the
24 following:

- 25 (1) Specifies that the practitioner is delinquent and is subject to
26 an order placing the practitioner on probationary status.
- 27 (2) Describes the amount of child support that the practitioner is
28 in arrears.
- 29 (3) Explains that unless the practitioner contacts the bureau and:
30 (A) pays the practitioner's child support arrearage in full;
31 (B) ~~requests the activation of an income withholding order~~
32 ~~under IC 31-16-15-2 and~~ establishes a payment plan with the
33 bureau to pay the arrearage, **which must include an income**
34 **withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;**
35 or
36 (C) requests a hearing under IC 31-25-4-33;

37 within twenty (20) days after the date the notice is mailed, the
38 board shall place the practitioner on probationary status.

39 (4) Explains that the practitioner may contest the bureau's
40 determination that the practitioner is delinquent and subject to an
41 order placing the practitioner on probationary status by making
42 written application to the bureau within twenty (20) days after the

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- 1 date the notice is mailed.
- 2 (5) Explains that the only basis for contesting the bureau's
- 3 determination that the practitioner is delinquent and subject to an
- 4 order placing the practitioner on probationary status is a mistake
- 5 of fact.
- 6 (6) Explains the procedures to:
 - 7 (A) pay the practitioner's child support arrearage in full;
 - 8 (B) establish a payment plan with the bureau to pay the
 - 9 arrearage, **which must include an income withholding order**
 - 10 **under IC 31-16-15-2 or IC 31-16-15-2.5; and**
 - 11 ~~(C)~~ request the activation of an income withholding order
 - 12 ~~under IC 31-16-15-2; and~~
 - 13 ~~(D)~~ (C) request a hearing under IC 31-25-4-33.
- 14 (7) Explains that the probation will terminate ten (10) business
- 15 days after the board receives a notice from the bureau that the
- 16 practitioner has:
 - 17 (A) paid the practitioner's child support arrearage in full; or
 - 18 (B) established a payment plan with the bureau to pay the
 - 19 arrearage, ~~and requested the activation of~~ **which includes** an
 - 20 income withholding order under IC 31-16-15-2 **or**
 - 21 **IC 31-16-15-2.5.**
- 22 (b) If the board is advised by the bureau that the practitioner either
- 23 requested a hearing and failed to appear or appeared and was found to
- 24 be delinquent, the board shall promptly mail a notice to the practitioner
- 25 who is the subject of the order stating the following:
 - 26 (1) That the practitioner's license has been placed on probationary
 - 27 status, beginning five (5) business days after the date the notice
 - 28 is mailed, and that the probation will terminate ten (10) business
 - 29 days after the board receives a notice from the bureau that the
 - 30 person has:
 - 31 (A) paid the person's child support arrearage in full; or
 - 32 (B) established a payment plan with the bureau to pay the
 - 33 arrearage, ~~and requested the activation of~~ **which includes** an
 - 34 income withholding order under IC 31-16-15-2 **or**
 - 35 **IC 31-16-15-2.5.**
 - 36 (2) That if the board is advised by the bureau that the practitioner
 - 37 whose license has been placed on probationary status has failed
 - 38 to:
 - 39 (A) pay the person's child support arrearage in full; or
 - 40 (B) establish a payment plan with the bureau to pay the
 - 41 arrearage, ~~and request the activation of~~ **which includes** an
 - 42 income withholding order under IC 31-16-15-2 **or**

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1 **IC 31-16-15-2.5;**
2 within twenty (20) days after the date the notice is mailed, the
3 board shall suspend the practitioner's license.
4 (c) If the board is advised by the bureau that the practitioner whose
5 license has been placed on probationary status has failed to:
6 (1) pay the person's child support arrearage in full; or
7 (2) establish a payment plan with the bureau to pay the arrearage,
8 and request the activation of which includes an income
9 withholding order under IC 31-16-15-2 or **IC 31-16-15-2.5;**
10 within twenty (20) days after the date the notice is mailed, the board
11 shall suspend the practitioner's license.
12 (d) The board may not reinstate a license or permit placed on
13 probation or suspended under this section until the board receives a
14 notice from the bureau that the person has:
15 (1) paid the person's child support arrearage in full; or
16 (2) established a payment plan with the bureau to pay the
17 arrearage, and requested the activation of which includes an
18 income withholding order under IC 31-16-15-2 or
19 **IC 31-16-15-2.5.**
20 SECTION 6. IC 27-1-15.6-29, AS AMENDED BY P.L.145-2006,
21 SECTION 164, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2007]: Sec. 29. (a) Upon receiving an order
23 from the bureau (Title IV-D agency) under IC 31-25-4-32(i), the
24 commissioner shall send to the person who is the subject of the order
25 a notice that does the following:
26 (1) States that the person is delinquent and is subject to an order
27 placing the person on probationary status.
28 (2) Explains that unless the person contacts the bureau and:
29 (A) pays the person's child support arrearage in full;
30 (B) requests the activation of an income withholding order
31 under ~~IC 31-16-15-2~~ and establishes a payment plan with the
32 bureau to pay the arrearage, **which must include an income**
33 **withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;**
34 or
35 (C) requests a hearing under IC 31-25-4-33;
36 within twenty (20) days after the date the notice is mailed, the
37 commissioner shall place the person on probationary status with
38 respect to a license issued to the person under this chapter.
39 (3) Explains that the person may contest the bureau's
40 determination that the person is delinquent and subject to an order
41 placing the person on probationary status by making written
42 application to the bureau within twenty (20) days after the date

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the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

- (A) pay the person's child support arrearage in full;
- (B) establish a payment plan with the bureau to pay the arrearage, **which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and**
- ~~(C)~~ request the activation of an income withholding order under IC 31-16-15-2; and
- ~~(D)~~ (C) request a hearing under IC 31-25-4-33.

(6) Explains that the probation will terminate ten (10) business days after the commissioner receives a notice from the bureau that the person has:

- (A) paid the person's child support arrearage in full; or
- (B) established a payment plan with the bureau to pay the arrearage, **and requested the activation of which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.**

(b) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-34(d), the commissioner shall send a notice to the person who is the subject of the order stating the following:

- (1) That a license issued to the person under this chapter has been placed on probationary status, beginning five (5) business days after the date the notice was mailed, and that the probation will terminate ten (10) business days after the commissioner receives a notice from the bureau that the person has:
 - (A) paid the person's child support arrearage in full; or
 - (B) established a payment plan with the bureau to pay the arrearage, **and requested the activation of which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.**
- (2) That if the commissioner is advised by the bureau that the person whose license has been placed on probationary status has failed to:
 - (A) pay the person's child support arrearage in full; or
 - (B) establish a payment plan with the bureau to pay the arrearage, **and request the activation of which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;**

within twenty (20) days after the date the notice is mailed, the

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1 commissioner shall suspend the person's license.

2 (c) If the commissioner receives a notice by the bureau (Title IV-D

3 agency) under IC 31-25-4-32(i) that the person whose license has been

4 placed on probationary status has failed to:

5 (1) pay the person's child support arrearage in full; or

6 (2) establish a payment plan with the bureau to pay the arrearage,

7 ~~and request the activation of which includes~~ an income

8 ~~withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;~~

9 within twenty (20) days after the notice required under subsection (b)

10 is mailed, the commissioner shall suspend the person's license.

11 (d) The commissioner may not reinstate any license placed on

12 probation or suspended under this section until the commissioner

13 receives a notice from the bureau that the person has:

14 (1) paid the person's child support arrearage in full; or

15 (2) established a payment plan with the bureau to pay the

16 arrearage, ~~and requested the activation of which includes~~ an

17 income withholding order under IC 31-16-15-2 ~~or~~

18 ~~IC 31-16-15-2.5.~~

19 SECTION 7. IC 27-10-3-20, AS AMENDED BY P.L.145-2006,

20 SECTION 167, IS AMENDED TO READ AS FOLLOWS

21 [EFFECTIVE JULY 1, 2007]: Sec. 20. (a) Upon receiving an order

22 from the bureau (Title IV-D agency) under IC 31-25-4-32(i), the

23 commissioner shall send to the person who is the subject of the order

24 a notice that does the following:

25 (1) States that the person is delinquent and is subject to an order

26 placing the person on probationary status.

27 (2) Explains that unless the person contacts the bureau and:

28 (A) pays the person's child support arrearage in full;

29 (B) ~~requests the activation of an income withholding order~~

30 ~~under IC 31-16-15-2 and~~ establishes a payment plan with the

31 bureau to pay the arrearage, **which must include an income**

32 **withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;**

33 or

34 (C) requests a hearing under IC 31-25-4-33;

35 within twenty (20) days after the date the notice is mailed, the

36 commissioner shall place the person on probationary status with

37 respect to any license issued to the person under this chapter.

38 (3) Explains that the person may contest the bureau's

39 determination that the person is delinquent and subject to an order

40 placing the person on probationary status by making written

41 application to the bureau within twenty (20) days after the date

42 the notice is mailed.

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- 1 (4) Explains that the only basis for contesting the bureau's
- 2 determination that the person is delinquent and subject to an order
- 3 placing the person on probationary status is a mistake of fact.
- 4 (5) Explains the procedures to:
- 5 (A) pay the person's child support arrearage in full;
- 6 (B) establish a payment plan with the bureau to pay the
- 7 arrearage, **which must include an income withholding order**
- 8 **under IC 31-16-15-2 or IC 31-16-15-2.5; and**
- 9 ~~(C)~~ request the activation of an income withholding order
- 10 ~~under IC 31-16-15-2; and~~
- 11 ~~(D)~~ (C) request a hearing under IC 31-25-4-33.
- 12 (6) Explains that the probation will terminate ten (10) business
- 13 days after the commissioner receives a notice from the bureau that
- 14 the person has:
- 15 (A) paid the person's child support arrearage in full; or
- 16 (B) established a payment plan with the bureau to pay the
- 17 arrearage, **and requested the activation of which includes** an
- 18 income withholding order under IC 31-16-15-2 **or**
- 19 **IC 31-16-15-2.5.**
- 20 (b) Upon receiving an order from the bureau (Title IV-D agency)
- 21 under IC 31-25-4-34(d), the commissioner shall send to the person who
- 22 is the subject of the order a notice that states the following:
- 23 (1) That a license issued to the person under this chapter has been
- 24 placed on probationary status, beginning five (5) business days
- 25 after the date the notice is mailed, and that the probation will
- 26 terminate ten (10) business days after the commissioner receives
- 27 a notice from the bureau that the person has:
- 28 (A) paid the person's child support arrearage in full; or
- 29 (B) established a payment plan with the bureau to pay the
- 30 arrearage, **and requested the activation of which includes** an
- 31 income withholding order under IC 31-16-15-2 **or**
- 32 **IC 31-16-15-2.5.**
- 33 (2) That if the commissioner is advised by the bureau that the
- 34 person whose license has been placed on probationary status has
- 35 failed to:
- 36 (A) pay the person's child support arrearage in full; or
- 37 (B) establish a payment plan with the bureau to pay the
- 38 arrearage, **and request the activation of which includes** an
- 39 income withholding order under IC 31-16-15-2 **or**
- 40 **IC 31-16-15-2.5;**
- 41 within twenty (20) days after the date the notice is mailed, the
- 42 commissioner shall suspend the person's license.

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1 (c) If the commissioner receives a notice from the bureau (Title
2 IV-D agency) under IC 31-25-4-32(i) that the person whose license has
3 been placed on probationary status has failed to:

4 (1) pay the person's child support arrearage in full; or

5 (2) establish a payment plan with the bureau to pay the arrearage,
6 ~~and request the activation of which includes~~ an income
7 withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5**;
8 within twenty (20) days after the notice required under subsection (b)
9 is mailed, the commissioner shall suspend the person's license.

10 (d) The commissioner may not reinstate any license placed on
11 probation or suspended under this section until the commissioner
12 receives a notice from the bureau that the person has:

13 (1) paid the person's child support arrearage in full; or

14 (2) established a payment plan with the bureau to pay the
15 arrearage, ~~and requested the activation of which includes~~ an
16 income withholding order under IC 31-16-15-2 **or**
17 **IC 31-16-15-2.5**.

18 SECTION 8. IC 31-9-2-10.8, AS ADDED BY P.L.145-2006,
19 SECTION 176, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2007]: Sec. 10.8. "Bureau", for purposes of
21 **IC 31-16-15 and IC 31-25** has the meaning set forth in IC 31-25-4-1.

22 SECTION 9. IC 31-9-2-85 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 85. (a) "Obligee", for
24 purposes of **IC 31-16-15 and IC 31-16-16**, means a person who is
25 entitled to receive a payment under a support order.

26 (b) "Obligee" or "petitioner", for purposes of the Uniform Interstate
27 Family Support Act under IC 31-18, has the meaning set forth in
28 IC 31-18-1-14.

29 SECTION 10. IC 31-9-2-125 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 125. (a) "Support
31 order", for purposes of **IC 31-16-15 and IC 31-16-16**, means any
32 judgment, decree, or order of child support, **including medical**
33 **support**, issued by a court, in Indiana or another state, that has
34 jurisdiction over the support order. The term includes orders issued
35 under IC 31-14 through IC 31-17.

36 (b) "Support order", for purposes of the Uniform Interstate Family
37 Support Act under IC 31-18, has the meaning set forth in
38 IC 31-18-1-24.

39 SECTION 11. IC 31-9-2-130.2 IS ADDED TO THE INDIANA
40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2007]: **Sec. 130.2. "Title IV-D case", for**
42 **purposes of IC 31-16-15, means a case arising under Title IV-D of**

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1 **the federal Social Security Act (42 U.S.C. 651 through 669).**

2 SECTION 12. IC 31-14-12-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. Upon application for
4 enforcement of a support order, the court may:

- 5 (1) enforce a judgment created under IC 31-16-16-2 (or
- 6 IC 31-2-11-8 before its repeal) for the unpaid amount;
- 7 (2) issue an income withholding order as provided in
- 8 ~~IC 31-16-15-1~~; **IC 31-16-15-0.5**; or
- 9 (3) ~~activate~~ **implement** an existing income withholding order as
- 10 provided in ~~IC 31-16-15-5~~ or ~~IC 31-16-15-6~~. **IC 31-16-15-2.**

11 SECTION 13. IC 31-14-12-9 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. Notwithstanding
13 section 4, 5, 6, or 7 of this chapter, the court may stay issuance of an
14 order under section 4, 5, 6, or 7 of this chapter (or IC 31-6-6.1-16(j),
15 IC 31-6-6.1-16(k), IC 31-6-6.1-16(l), or IC 31-6-6.1-16(m) before the
16 repeal of IC 31-6-6.1-16) if:

- 17 (1) the person pays the child support arrearage in full; or
- 18 (2) an income withholding order under IC 31-16-15 (or
- 19 IC 31-2-10 before its repeal) is ~~activated~~ **implemented** and a
- 20 payment plan to pay the arrearage is established.

21 SECTION 14. IC 31-16-6-4 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A child support
23 order ~~may also must~~ include ~~where appropriate, basic health and~~
24 ~~hospitalization insurance coverage for the child:~~ **an order for medical**
25 **support to be provided by either or both parents.**

26 (b) ~~If, however, the Title IV-D agency initiates action to establish a~~
27 ~~support obligation and petitions the court to include basic health and~~
28 ~~hospitalization insurance coverage in the support order, the court shall~~
29 ~~include a provision addressing insurance coverage for the child:~~

30 (c) ~~In an action initiated by the Title IV-D agency or other parties,~~
31 ~~the court may order the parent who is ordered to pay child support to~~
32 ~~provide the insurance coverage for the child if the insurance coverage:~~

- 33 (1) ~~is available to the parent ordered to pay child support or the~~
34 ~~dependents of the parent as part of the parent's employee benefit~~
35 ~~plan; or~~
- 36 (2) ~~is available at reasonable cost to the parent ordered to pay~~
37 ~~child support.~~

38 (b) **An order for medical support under this section shall be**
39 **enforced under 42 U.S.C. 666(a)(19).**

40 SECTION 15. IC 31-16-8-1 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Provisions of an
42 order with respect to child support or an order for maintenance

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1 (ordered under IC 31-16-7-1 or IC 31-1-11.5-9(c) before ~~its~~ **their**
2 repeal) may be modified or revoked.

3 **(b)** Except as provided in section 2 of this chapter, modification
4 may be made only:

5 (1) upon a showing of changed circumstances so substantial and
6 continuing as to make the terms unreasonable; or

7 (2) upon a showing that:
8 (A) a party has been ordered to pay an amount in child support
9 that differs by more than twenty percent (20%) from the
10 amount that would be ordered by applying the child support
11 guidelines; and

12 (B) the order requested to be modified or revoked was issued
13 at least twelve (12) months before the petition requesting
14 modification was filed.

15 **(c) Modification under this section is subject to**
16 **IC 31-25-4-17(a)(6).**

17 SECTION 16. IC 31-16-12-4 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. Upon application to
19 the court for enforcement of an order for support, the court may:

20 (1) enforce a judgment created under IC 31-16-16-2 (or
21 IC 31-2-11-8 before its repeal) against the person obligated to pay
22 support;

23 (2) issue an income withholding order as provided in
24 ~~IC 31-16-15-1~~; **IC 31-16-15-0.5**; or

25 (3) ~~activate~~ **implement** an income withholding order as provided
26 in ~~IC 31-16-15-5~~ or ~~IC 31-16-15-6~~. **IC 31-16-15-2.**

27 SECTION 17. IC 31-16-12-11 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. Notwithstanding
29 section 7, 8, 9, or 10 of this chapter, the court may stay the issuance of
30 an order under section 7, 8, 9, or 10 of this chapter (or
31 IC 31-1-11.5-13(j), IC 31-1-11.5-13(k), IC 31-1-11.5-13(l), or
32 IC 31-1-11.5-13(m) before the repeal of IC 31-1-11.5-13) if:

33 (1) the person pays the child support arrearage in full; or

34 (2) an income withholding order under IC 31-16-15 (or
35 IC 31-2-10 before its repeal) is ~~activated~~ **implemented** and a
36 payment plan to pay the arrearage is established.

37 SECTION 18. IC 31-16-15-0.5 IS ADDED TO THE INDIANA
38 CODE AS A NEW SECTION TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2007]: **Sec. 0.5. (a) Except as provided in**
40 **subsection (c), in any Title IV-D proceeding in which a court has**
41 **ordered, modified, or enforced periodic payments of child support,**
42 **the court shall order that child support payments be immediately**

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1 withheld from the income of the obligor in an amount necessary to
2 comply with the support order, including amounts for current
3 child support obligations, child support arrearage, medical
4 support, interest, and fees.

5 (b) Except as provided in subsection (c), a court or Title IV-D
6 agency shall implement an order for immediate income
7 withholding under subsection (a):

8 (1) if the address of the obligor's income payor is known, not
9 more than fifteen (15) calendar days after the date of the
10 issuance of a support order; or

11 (2) if the address of the obligor's income payor is not known,
12 not more than fifteen (15) calendar days after the date the
13 address of the obligor's income payor becomes known.

14 (c) A court may stay implementation of an income withholding
15 order only if one (1) or more of the following occurs:

16 (1) One (1) of the parties demonstrates and the court finds
17 good cause not to order immediate income withholding by
18 finding all of the following:

19 (A) A stay of implementation of the income withholding
20 order is in the best interests of the child.

21 (B) The obligor has a history of substantially
22 uninterrupted, full, and timely child support payments,
23 other than payments made through an income withholding
24 order or another mandatory process of previously ordered
25 child support, during the previous twelve (12) months.

26 (C) The court finds by clear and convincing evidence that
27 an income withholding order would cause an
28 extraordinary hardship on the obligor.

29 (2) The parties submit a written agreement that:

30 (A) meets the requirements under subsection (d); and

31 (B) is approved by the court.

32 (d) A written agreement described in subsection (c)(2) must
33 meet the following requirements:

34 (1) Contain the following:

35 (A) A statement that an income withholding order is not
36 implemented immediately but that an income withholding
37 order will be implemented if the:

38 (i) obligor's child support and arrearage payments
39 become delinquent; or

40 (ii) obligor requests implementation of the income
41 withholding order.

42 (B) A detailed description of an alternative payment

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arrangement between the parties to ensure the timely payment of child support.

(2) Contain a provision that the obligor shall provide current information to the court concerning the following:

(A) The name, address, and telephone number of the obligor's place of employment.

(B) Any health coverage available to the obligor as a benefit of employment or maintained by the obligor, including information on the:

- (i) name of the carrier (as defined in IC 27-8-10-1);
- (ii) health insurance policy, certificate, or contract number; and
- (iii) if applicable, names and birthdates of the persons for whose benefit the obligor maintains health coverage under the health insurance policy, certificate, or contract.

(e) If possible, the court shall specify the date on which a stay of implementation of the income withholding order terminates automatically.

(f) In Title IV-D cases in which periodic payments of child support are ordered, modified, or enforced, the court shall order the obligor to inform the Title IV-D agency of the:

- (1) name and address of the obligor's current income payor;
- (2) obligor's access to health insurance coverage; and
- (3) if applicable, obligor's health insurance policy information.

SECTION 19. IC 31-16-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A court acting under section 1(d)(1) or 1(d)(2) of this chapter shall activate the immediate income withholding order under section 5 or 6 of this chapter shall lift a stay of implementation of an income withholding order granted under section 0.5(c) of this chapter upon occurrence of either one (1) or more of the following:

- (1) The obligor's support payment becomes delinquent.
- (2) The obligor requests that the withholding order become activated: **implementation of the income withholding order.**

SECTION 20. IC 31-16-15-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. (a) If, in a Title IV-D case, an income withholding order has not been issued with a support order under section 0.5 of this chapter, a Title IV-D agency may:

- (1) issue an income withholding order with the support order;

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1 **and**
2 **(2) after providing notice under section 3.5 of this chapter,**
3 **implement the income withholding order unless the court:**
4 **(A) stays the implementation of the income withholding**
5 **order under section 0.5(c) of this chapter; and**
6 **(B) provides a written finding of the stay in the support**
7 **order.**
8 **(b) In a Title IV-D case in which the implementation of an**
9 **income withholding order was stayed under section 0.5(c) of this**
10 **chapter, the Title IV-D agency may:**
11 **(1) after providing notice under section 3.5 of this chapter, lift**
12 **the stay if the obligor's child support and arrearage payments**
13 **are delinquent; or**
14 **(2) lift the stay if the obligor requests implementation of the**
15 **income withholding order.**
16 **(c) In a Title IV-D case, if:**
17 **(1) an income withholding order was stayed under section**
18 **0.5(c) of this chapter; and**
19 **(2) an obligor requests the implementation of the income**
20 **withholding order;**
21 **the Title IV-D agency is not required to give notice under section**
22 **3.5 of this chapter before implementing the income withholding**
23 **order.**
24 **(d) An income withholding order issued under subsection (a):**
25 **(1) has the same force and effect; and**
26 **(2) is enforceable in the same manner;**
27 **as an income withholding order issued by a court.**
28 **(e) The total amount required to be withheld under an income**
29 **withholding order implemented under this section is the sum of:**
30 **(1) the obligor's current child support obligation; plus**
31 **(2) the amount of arrearage payment ordered by the court;**
32 **plus**
33 **(3) an additional amount as determined under subsection (f)**
34 **for:**
35 **(A) any arrearage that has not been adjudicated, if no**
36 **arrearage has been adjudicated previously; or**
37 **(B) any additional arrearage that:**
38 **(i) has not been adjudicated; and**
39 **(ii) accrues since the last adjudication of arrearage by**
40 **the court.**
41 **(f) If an obligor subject to an income withholding order is in**
42 **arrears, unless otherwise ordered by a court, the Title IV-D agency**

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or its agent may increase the weekly amount withheld as follows:

(1) If the arrearages are at least five hundred dollars (\$500) and less than three thousand dollars (\$3,000), an additional amount of up to twenty dollars (\$20).

(2) If the arrearages are at least three thousand dollars (\$3,000) and less than five thousand dollars (\$5,000), an additional amount of up to twenty-five dollars (\$25).

(3) If the arrearages are at least five thousand dollars (\$5,000) and less than ten thousand dollars (\$10,000), an additional amount of up to thirty dollars (\$30).

(4) If the arrearages are at least ten thousand dollars (\$10,000) and less than fifteen thousand dollars (\$15,000), an additional amount of up to thirty-five dollars (\$35).

(5) If the arrearages are at least fifteen thousand dollars (\$15,000) and less than twenty thousand dollars (\$20,000), an additional amount of up to forty dollars (\$40).

(6) If the arrearages are at least twenty thousand dollars (\$20,000) and less than twenty-five thousand dollars (\$25,000), an additional amount of up to forty-five dollars (\$45).

(7) If the arrearages are at least twenty-five thousand dollars (\$25,000), an additional amount of up to fifty dollars (\$50).

(g) A court is not bound by and is not required to consider the additional amounts described in subsection (f) when ordering, modifying, or enforcing periodic payments of child support.

SECTION 21. IC 31-16-15-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.6. An income withholding order issued under this chapter remains in effect until a child support obligation, including current child support, child support arrearage, medical support, interest, and fees, is paid in full.**

SECTION 22. IC 31-16-15-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.7. (a) The bureau shall:**

- (1) prescribe standard forms for:
 - (A) an income withholding order; and
 - (B) a notice form; and
 - (2) make the forms listed in subdivision (1) available to:
 - (A) a court;
 - (B) a private attorney;
 - (C) an obligor; and
 - (D) an obligee.
- (b) An income withholding order under this chapter must be

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1 issued in a form substantially similar to the form prescribed under
 2 subsection (a)(1)(A).
 3 SECTION 23. IC 31-16-15-3.5 IS ADDED TO THE INDIANA
 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2007]: **Sec. 3.5. (a) Except as provided under**
 6 **section 2.5(c) of this chapter, a Title IV-D agency shall issue a**
 7 **notice of intent to withhold income to an obligor before the Title**
 8 **IV-D agency implements an income withholding order under**
 9 **section 2.5 of this chapter. The notice is sufficient for all future**
 10 **income withholding until the child support obligation is fully**
 11 **satisfied.**
 12 **(b) The notice under subsection (a) must contain the following:**
 13 **(1) A statement that an income withholding order will be sent**
 14 **to all current and future income payors.**
 15 **(2) If applicable, the amount of child support that the obligor**
 16 **is in arrears.**
 17 **(3) A statement that the income shall be:**
 18 **(A) withheld by a current and future income payor from**
 19 **the obligor's income for the payment of child support; and**
 20 **(B) forwarded to the state central collection unit with a**
 21 **statement identifying the:**
 22 **(i) cause number for the obligee;**
 23 **(ii) name of the obligor;**
 24 **(iii) name of the obligee with the applicable income**
 25 **withheld for each obligee forwarded from the income**
 26 **payor;**
 27 **(iv) Social Security number of each obligee; and**
 28 **(v) Indiana support enforcement tracking system**
 29 **(ISETS) number for each obligee.**
 30 **(4) A statement that the total amount of income to be withheld**
 31 **by the Title IV-D agency under the income withholding order**
 32 **is the sum of:**
 33 **(A) the obligor's current child support obligation; plus**
 34 **(B) the amount of any arrearage payment ordered by the**
 35 **court; plus**
 36 **(C) an additional amount as determined under section**
 37 **2.5(f) of this chapter for:**
 38 **(i) any arrearage that has not been adjudicated, if no**
 39 **arrearage has been adjudicated previously; or**
 40 **(ii) any additional arrearage that has not been**
 41 **adjudicated and accrues since the last adjudication of**
 42 **arrearage by the court; plus**

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(D) a fee of two dollars (\$2), which must be paid at the income payor's option to the income payor each time the income payor forwards income to the state central collection unit.

(5) A statement that:

(A) the total amount withheld under the income withholding order may not exceed the maximum amount permitted under 15 U.S.C. 1673(b);

(B) the income withholding order applies to the receipt of any current or subsequent income from a current or future income payor;

(C) the obligor may contest the Title IV-D agency's determination to implement an income withholding order by making written application to the Title IV-D agency not more than twenty (20) days after the date the notice under this section is mailed to the obligor;

(D) the only basis for contesting the implementation of an income withholding order is a mistake of fact;

(E) if the obligor contests the Title IV-D agency's determination to implement the income withholding order, the Title IV-D agency shall schedule an administrative hearing;

(F) if the obligor does not contest the Title IV-D agency's determination to implement an income withholding order within the period of time required under section 4.3 of this chapter, the Title IV-D agency shall implement the income withholding order;

(G) an income payor shall:

(i) begin withholding income not later than the first pay date after fourteen (14) days following the date the income withholding order is received by the income payor; and

(ii) report to the state central collection unit the date on which the income was withheld from the obligor's income;

(H) if an income payor is required to withhold income from more than one (1) obligor, the income payor may combine the withheld amount of income into a single payment for all obligors who are required to make payments to the state central collection unit if the income payor identifies the part of the single payment that is attributable to each individual obligor;

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- (I) if the obligor has:**
 - (i) more than one (1) income withholding order against the obligor; and**
 - (ii) insufficient disposable earnings to pay the amount of income withholding for all income withholding orders; an income payor shall distribute the withheld income pro rata among the persons entitled to receive income under the income withholding orders, giving priority to a current income withholding order;**
- (J) an income payor shall honor all withholdings to the extent that the total amount withheld does not exceed limits imposed under 15 U.S.C. 1673(b);**
- (K) the income withholding order is binding upon the income payor until further notice by the Title IV-D agency;**
- (L) an income payor that:**
 - (i) discharges the obligor from employment;**
 - (ii) refuses to employ the obligor;**
 - (iii) takes disciplinary action against the obligor employed by the income payor; or**
 - (iv) otherwise discriminates against the obligor;****because of the existence of an income withholding order or the obligations imposed upon the income payor by the income withholding order is subject to a penalty not to exceed five thousand dollars (\$5,000) payable to the state and recoverable in a civil action;**
- (M) if an income payor fails to withhold income in accordance with the income withholding order, the income payor is liable for:**
 - (i) the accumulated amount the income payor should have withheld from the obligor's income; and**
 - (ii) any interest, attorney's fees, and costs;**
- (N) an income withholding order under this chapter has priority over any secured or unsecured claim on income, except for claims for federal, state, and local taxes; and**
- (O) the income payor must notify the Title IV-D agency if the obligor:**
 - (i) ceases employment with; or**
 - (ii) no longer receives income from;****the income payor, not later than ten (10) days after the date the obligor's employment or income ceases, and provide the obligor's last known address and the name and**

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1 address of the obligor's new income payor, if known, to the
2 Title IV-D agency;

3 (c) If the Title IV-D agency issues a notice of intent to withhold
4 income to the obligor under this section, the Title IV-D agency is
5 not required to provide further notice to continue to implement or
6 amend the income withholding order unless the income
7 withholding order is stayed by the court under section 0.5(c) of this
8 chapter.

9 SECTION 24. IC 31-16-15-4.3 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2007]: Sec. 4.3. (a) An obligor may contest a
12 Title IV-D agency's determination to implement an income
13 withholding order under section 2.5 of this chapter by making a
14 written application to the Title IV-D agency not more than twenty
15 (20) days after the date the notice is mailed to the obligor.

16 (b) The only basis on which an obligor may contest the
17 implementation of an income withholding order under section 2.5
18 of this chapter is mistake of fact.

19 (c) If an obligor does not contest the implementation of an
20 income withholding order within the period described in subsection
21 (a), the Title IV-D agency shall send the income withholding order
22 to the income payor not more than fifteen (15) calendar days after:

23 (1) the last date that the obligor has to contest the
24 implementation of an income withholding order under
25 subsection (a); or

26 (2) if the income payor's address is not known on the date
27 described under subdivision (1), the date the Title IV-D
28 agency obtains the income payor's address.

29 (d) A Title IV-D agency shall:

30 (1) not more than twenty-five (25) days after an obligor makes
31 written application to contest an income withholding order
32 under subsection (a), hold a hearing to review the Title IV-D
33 agency's determination to implement the income withholding
34 order; and

35 (2) make a determination on the implementation of the
36 income withholding order at the hearing.

37 (e) If the Title IV-D agency implements an income withholding
38 order after a hearing under this section, the Title IV-D agency shall
39 provide the income withholding order to each income payor as
40 provided under section 6.5 of this chapter.

41 SECTION 25. IC 31-16-15-4.5, AS AMENDED BY P.L.145-2006,
42 SECTION 239, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2007]: Sec. 4.5. (a) The ~~child support~~ bureau
2 of the department shall send notice to an employer, using the National
3 Medical Support Notice described in 45 CFR 303.3, that:

4 (1) a parent ordered to pay support has been ordered to provide
5 insurance coverage as part of the parent's employee benefit plan
6 under IC 31-16-6-4; or

7 (2) an obligation to provide insurance coverage under subdivision
8 (1) is no longer in effect.

9 (b) Upon receipt of the notice under subsection (a), the employer
10 shall:

11 (1) respond to the notice in a timely fashion; and

12 (2) abide by the terms of establishing insurance coverage as
13 required by the notice.

14 SECTION 26. IC 31-16-15-5.5 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2007]: Sec. 5.5. (a) An obligor or an obligee
17 may file a petition to lift a stay of implementation of an income
18 withholding order.

19 (b) If an obligee files a petition under subsection (a), the court
20 shall:

21 (1) set a date for a hearing on the petition; and

22 (2) send a written notice of the hearing to lift the stay of
23 implementation of the income withholding order to the
24 obligor in accordance with subsection (c).

25 The court must set a date for the hearing that is not more than
26 twenty (20) days after the date the petition is filed.

27 (c) The notice under subsection (b)(2) must include the
28 following:

29 (1) A statement as to whether the obligor is delinquent in the
30 payment of child support.

31 (2) If applicable, the amount of child support the obligor is in
32 arrears.

33 (3) A statement that if the petition is granted, the obligor's
34 income shall be:

35 (A) withheld by the court for the payment of child support;
36 and

37 (B) forwarded to the state central collection unit with a
38 statement identifying:

39 (i) the cause number for each obligee;

40 (ii) the name of each obligor;

41 (iii) the name of each obligee with the amount of the
42 withheld income forwarded by the income payor;

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- 1 (iv) the Social Security number of each obligor; and
 2 (v) the Indiana support enforcement tracking system
 3 (ISETS) number for each obligee.
- 4 (4) The following statements:
- 5 (A) That the total amount of income to be withheld under
 6 an income withholding order from the obligor's income is
 7 the sum of:
- 8 (i) the obligor's current child support obligation; plus
 9 (ii) the amount of arrearage payment ordered by the
 10 court; plus
 11 (iii) a fee of two dollars (\$2), which must be paid at the
 12 income payor's option to the income payor each time the
 13 income payor forwards income to the state central
 14 collection unit.
- 15 (B) That the total amount of income withheld may not
 16 exceed the maximum amount permitted by 15 U.S.C.
 17 1673(b).
- 18 (C) That the income withholding order applies to the
 19 receipt of any current or subsequent income.
- 20 (D) That the only basis for contesting the petition to lift the
 21 stay of implementation of the income withholding order is
 22 a mistake of fact.
- 23 (E) That an obligor may contest the court's lifting the stay
 24 of the income withholding order by appearing at the
 25 hearing scheduled by the court on the petition to lift the
 26 stay.
- 27 (F) That if the obligor does not appear at the hearing, the
 28 court shall implement the income withholding order.
- 29 (G) That an income payor shall:
- 30 (i) begin withholding income not later than the first pay
 31 date after fourteen (14) days following the date the
 32 income withholding order is received by the income
 33 payor; and
 34 (ii) report to the state central collection unit the date on
 35 which the income was withheld from the obligor's
 36 income.
- 37 (H) That if an income payor is required to withhold income
 38 from more than one (1) obligor, the income payor may
 39 combine the withheld amount of income into a single
 40 payment for all obligors who are required to make
 41 payments to the state central collection unit if the income
 42 payor identifies the part of the single payment that is

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- 1 attributable to each individual obligor.
- 2 **(I) That if an obligor has:**
- 3 (i) more than one (1) income withholding order against
- 4 the obligor; and
- 5 (ii) insufficient disposable earnings to pay the amount of
- 6 income withholding for all income withholding orders;
- 7 the income payor shall distribute the withheld income pro
- 8 rata among the persons entitled to receive income under
- 9 the income withholding orders, giving priority to a current
- 10 income withholding order.
- 11 **(J) That an income payor shall honor all withholding to the**
- 12 **extent that the total amount withheld does not exceed**
- 13 **limits imposed under 15 U.S.C. 1673(b).**
- 14 **(K) That the income withholding is binding upon the**
- 15 **income payor until further notice by the court.**
- 16 **(L) That an income payor that:**
- 17 (i) discharges the obligor from employment;
- 18 (ii) refuses to employ the obligor;
- 19 (iii) takes disciplinary action against the obligor
- 20 employed by the income payor; or
- 21 (iv) otherwise discriminates against the obligor;
- 22 because of the existence of an income withholding order or
- 23 the obligations imposed upon the income payor by the
- 24 income withholding order, is subject to a penalty not to
- 25 exceed five thousand dollars (\$5,000) payable to the state
- 26 and recoverable in a civil action.
- 27 **(M) That if the income payor fails to withhold income in**
- 28 **accordance with the income withholding order, the income**
- 29 **payor is liable for:**
- 30 (i) the accumulated amount the income payor should
- 31 have withheld from the obligor's income; and
- 32 (ii) any interest, attorney's fees, and costs.
- 33 **(N) That an income withholding order under this chapter**
- 34 **has priority over any secured or unsecured claim on**
- 35 **income, except for claims for federal, state, and local taxes.**
- 36 **(O) That the income payor must notify the court if the**
- 37 **obligor:**
- 38 (i) ceases employment with; or
- 39 (ii) no longer receives income from;
- 40 the income payor not later than ten (10) days after the date
- 41 the obligor's employment or income ceases and provide the
- 42 obligor's last known address and the name and address of

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- 1 the obligor's new income payor, if known, to the court.
- 2 (d) At a hearing under this section, the court shall grant the
- 3 petition to lift the stay of implementation of the income
- 4 withholding order if the obligor has failed to comply with the
- 5 provisions of the support order, unless the court finds that the
- 6 conditions under section 0.5(c)(2) of this chapter have been met.
- 7 (e) If the obligor files a petition to lift the stay of implementation
- 8 of the income withholding order:
- 9 (1) a hearing is not required; and
- 10 (2) the court shall grant the petition.
- 11 (f) If the court grants the petition to lift the stay of
- 12 implementation of the income withholding order, the court shall:
- 13 (1) implement the income withholding order; and
- 14 (2) send the income withholding order to the obligor's income
- 15 payor.
- 16 SECTION 27. IC 31-16-15-6.5 IS ADDED TO THE INDIANA
- 17 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 18 [EFFECTIVE JULY 1, 2007]: **Sec. 6.5.** A court or Title IV-D agency
- 19 may serve an income withholding order on an income payor by:
- 20 (1) first class mail;
- 21 (2) facsimile transmission; or
- 22 (3) other electronic means approved by the Title IV-D agency.
- 23 SECTION 28. IC 31-16-15-7.5 IS ADDED TO THE INDIANA
- 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 25 [EFFECTIVE JULY 1, 2007]: **Sec. 7.5.** (a) An income payor that is
- 26 required to withhold income under this chapter shall:
- 27 (1) forward income withheld for the payment of current or
- 28 past due child support as directed by an income withholding
- 29 order to the state central collection unit at the time that an
- 30 obligor is paid;
- 31 (2) include a statement that identifies the:
- 32 (A) cause number for each obligee;
- 33 (B) Indiana support enforcement tracking system (ISETS)
- 34 case number for each obligee;
- 35 (C) name of each obligor and the obligor's Social Security
- 36 number; and
- 37 (D) name of each obligee with the amount of the withheld
- 38 income forwarded by the income payor; and
- 39 (3) begin withholding income not later than the first pay date
- 40 after fourteen (14) days following the date the order for
- 41 income withholding is received by the income payor.
- 42 (b) An income payor may retain, in addition to the amount of

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1 **income forwarded to the state central collection unit, a fee of not**
 2 **more than two dollars (\$2) each time the income payor forwards**
 3 **income to the state central collection unit. If an income payor**
 4 **retains a fee under this subsection, the income payor shall reduce**
 5 **the amount of income withheld for the payment of current and past**
 6 **due child support, if necessary to avoid exceeding the maximum**
 7 **amount permitted to be withheld under 15 U.S.C. 1673(b).**

8 SECTION 29. IC 31-16-15-16, AS AMENDED BY P.L.148-2006,
 9 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2007]: Sec. 16. (a) Except as provided in subsection (b), if the
 11 income payor is required to withhold income from more than one (1)
 12 obligor under this chapter, the income payor may

13 ~~(1)~~ combine in a single payment the withheld amounts for all
 14 obligors who have been ordered to pay to the state central
 15 collection unit established by ~~IC 31-33-1.5-8~~ and **IC 31-25-3-1**
 16 ~~(2)~~ **if the income payor** separately ~~identify~~ **identifies** the part of
 17 the single payment that is attributable to each individual obligor.

18 (b) If the income payor:

19 (1) is required to withhold income from more than one (1) obligor
 20 under this chapter; and

21 (2) employs more than fifty (50) employees;

22 the income payor shall make payments to the state central collection
 23 unit established by ~~IC 31-33-1.5-8~~ **IC 31-25-3-1** through electronic
 24 funds transfer or through electronic or Internet access made available
 25 by the state central collection unit.

26 (c) The department of child services shall assess a civil penalty of
 27 twenty-five dollars (\$25) per obligor per pay period against an income
 28 payor that:

29 (1) is required to make a payment under subsection (b); and

30 (2) does not make the payment through electronic funds transfer
 31 or other means described in subsection (b).

32 The department shall deposit the penalties into the state general fund.

33 SECTION 30. IC 31-16-15-17 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. If:

35 (1) there is more than one (1) order for withholding against a
 36 single obligor under this chapter; and

37 (2) the obligor has insufficient disposable earnings to pay the
 38 amount required by all the orders;

39 the income payor shall distribute the withheld earnings pro rata among
 40 the ~~entities~~ **persons** entitled to receive earnings under the orders and
 41 shall honor all withholdings to the extent that the total amount withheld
 42 does not exceed the limits imposed under 15 U.S.C. 1673(b).

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1 SECTION 31. IC 31-16-15-18 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. The income payor
3 shall:

4 (1) notify:

5 (A) the Title IV-D agency in a case arising under section ~~3 or~~
6 **5.2.5** of this chapter; or

7 (B) the court in a case arising under section ~~4 or 6~~ **0.5, 2, or**
8 **5.5** of this chapter;

9 when the obligor ceases to receive income not later than ten (10)
10 days after the employment or income ceases; and

11 (2) provide:

12 (A) the obligor's last known address; and

13 (B) the name and address of the obligor's new income payor if
14 known.

15 SECTION 32. IC 31-16-15-19 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) If an obligor:

17 (1) is entitled to net income in the form of:

18 (A) severance pay;

19 (B) accumulated sick pay;

20 (C) vacation pay;

21 (D) accumulated commissions;

22 (E) a bonus payment **in addition to regular earned income;**

23 or

24 (F) other lump sum payment; and

25 (2) owes an amount of child support that is in arrears;

26 the income payor shall withhold the amount in arrears or the product
27 computed under subsection (b), whichever is less, up to the maximum
28 permitted under 15 U.S.C. 1673(b).

29 (b) The income payor shall multiply:

30 (1) the amount of support the obligor is required to pay each
31 week; by

32 (2) the number of weeks represented by the lump sum payment.

33 SECTION 33. IC 31-16-15-22 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) An income
35 withholding order under section ~~4~~ **0.5 or 2.5** of this chapter (or
36 IC 31-2-10-7 before its repeal) terminates when both of the following
37 occur:

38 (1) The duty to support a child ceases under IC 31-14 or
39 IC 31-16-2 through IC 31-16-12.

40 (2) No child support arrearage exists.

41 (b) ~~Activation of income withholding terminates A court or Title~~
42 **IV-D agency may terminate income withholding** when the

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1 whereabouts of the child and the child's custodial parent are unknown,
2 preventing the forwarding of child support payments.

3 SECTION 34. IC 31-16-15-23 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. (a) If an income
5 payor fails to forward the money required by an income withholding
6 order, as set forth in the notice described in section 10 of this chapter;
7 **the Title IV-D agency shall send the income payor, by certified
8 mail, a notice of failure to comply. If the income payor fails to
9 forward the money required by an income withholding order
10 within thirty (30) days after receipt of the notice of failure to
11 comply, the income payor is liable for the amount the income payor
12 fails to forward.**

13 (b) An income payor described in subsection (a) is liable to the:

14 (1) obligee for the amount of income not paid in compliance
15 with the income withholding order, including an amount the
16 obligor is required to pay for health insurance coverage; and

17 (2) obligor for:

18 (A) the amount of income withheld and not paid as
19 required under the income withholding order;

20 (B) an amount equal to the interest that accrues according
21 to the interest percentage that accrues on judgments; and

22 (C) reasonable attorney's fees and court costs.

23 (c) An income payor that:

24 (1) receives an income withholding order from a court or Title
25 IV-D agency; and

26 (2) fails to comply with the income withholding order;

27 may be liable for contempt of court.

28 (d) If an obligor has filed a claim for worker's compensation, the
29 income payor of the obligor shall send a copy of the income
30 withholding order to the income payor's insurance carrier if the
31 income payor has an insurance carrier with whom the claim has
32 been filed in order to continue the ordered withholding of income.

33 SECTION 35. IC 31-16-15-25 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25. (a) If an obligor is:

35 (1) discharged from employment;

36 (2) refused employment; or

37 (3) disciplined;

38 because the income payor is required to withhold income of the obligor
39 under this chapter, the obligor is entitled to recover an amount of not
40 less than one hundred dollars (\$100):

41 (b) The obligor may collect the money described in subsection (a)
42 by filing a civil action against the income payor in a circuit or superior

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court.

(a) An income payor that:

- (1) discharges from employment an obligor;
- (2) refuses to employ an obligor;
- (3) takes disciplinary action against an obligor employed by the income payor; or
- (4) otherwise discriminates against an obligor;

because of the existence of an income withholding order or the obligations imposed upon the income payor by the income withholding order, is subject to a penalty not to exceed five thousand dollars (\$5,000) payable to the state and recoverable in a civil action. An obligor or the Title IV-D agency may bring an action to enforce a penalty under this subsection.

~~(c)~~ (b) The collection of money under this section does not affect:

- (1) the obligor's right to damages under IC 24-4.5-5-202; or
- (2) any other legal remedy available to the obligor;

because of discharge from employment, refusal of employment, or disciplinary action.

SECTION 36. IC 31-16-15-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. ~~(a)~~ If the Title IV-D agency or the court becomes aware that the obligor has a new income payor after income withholding has been activated under section 5 or 6 of this chapter: **implemented:**

- (1) **if the order is an income withholding order implemented under section 2.5 of this chapter, the Title IV-D agency; in a case arising under section 5 of this chapter; or**
- (2) **if the order is an income withholding order implemented under section 0.5 of this chapter or an income withholding order implemented after a stay has been lifted under section 5.5 of this chapter, the court in a case arising under section 6 of this chapter; or the Title IV-D agency;**

shall send ~~a notice~~ **the income withholding order** to the new income payor. ~~that the withholding is binding on the new income payor.~~

(b) The notice sent under subsection (a) must comply with section ~~10~~ of this chapter.

SECTION 37. IC 31-16-15-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 29. (a) The registration of a foreign support order as provided in IC 31-18-6 is sufficient for the implementation of an income withholding order by the Title IV-D agency.**

(b) The Title IV-D agency shall issue a notice in accordance with

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1 **section 3.5 of this chapter of the implementation of a foreign**
2 **support order to the obligor.**

3 SECTION 38. IC 31-16-15-30 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2007]: **Sec. 30. A Title IV-D agency or an**
6 **agent of a Title IV-D agency acting within the scope of the agent's**
7 **employment is not subject to any civil liability for income withheld**
8 **and paid to an obligee, the Title IV-D agency, or the state central**
9 **collection unit in accordance with an income withholding order.**

10 SECTION 39. IC 31-25-3-3 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2007]: **Sec. 3. The bureau established by section 1 of this chapter**
13 **or an agent of the bureau may issue a subpoena under Indiana**
14 **Trial Rule 45 to obtain any financial or other information needed**
15 **to establish, modify, or enforce a child support order.**

16 SECTION 40. IC 31-25-4-17, AS ADDED BY P.L.145-2006,
17 SECTION 271, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2007]: **Sec. 17. (a) The bureau shall do the**
19 **following:**

20 (1) Collect support payments when the payments have been
21 assigned to the state by the application for assistance under Title
22 IV-A.

23 (2) Assist in obtaining a support order, including an order for
24 health insurance coverage under:

- 25 (A) IC 27-8-23;
- 26 (B) IC 31-14-11-3; or
- 27 (C) IC 31-16-6-4;

28 when there is no existing order and assistance is sought.

29 (3) Assist mothers of children born out of wedlock in establishing
30 paternity and obtaining a support order, including an order for
31 health insurance coverage under IC 27-8-23, when the mother has
32 applied for assistance.

33 (4) Implement income withholding in any Title IV-D case:

- 34 (A) with an arrearage; and
- 35 (B) without an order issued by a court or an administrative
36 agency.

37 (5) Enforce intrastate and interstate support orders using high
38 volume automated enforcement features.

39 (6) Use a simplified procedure for the review and adjustment of
40 support orders as set forth in 42 U.S.C. 666(a)(10).

41 (b) Whenever the bureau collects support payments on behalf of an
42 individual who is no longer a member of a household that receives

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1 Title IV-A cash payments, the collected support payments (except
 2 collections made through a federal tax refund offset) shall be promptly
 3 distributed in the following order:

4 (1) Payment to the recipient of the court ordered support
 5 obligation for the month that the support payment is received.

6 (2) Payment to the recipient of the support payment arrearages
 7 that have accrued during any period when the recipient was not a
 8 member of a household receiving Title IV-A assistance.

9 (3) Payment to the state in an amount not to exceed the lesser of:

10 (A) the total amount of past public assistance paid to the
 11 recipient's family; or

12 (B) the amount assigned to the state by the recipient under
 13 IC 12-14-7-1.

14 (4) Payment of support payment arrearages owed to the recipient.

15 (5) Payment of any other support payments payable to the
 16 recipient.

17 (c) Whenever the bureau receives a payment through a federal tax
 18 refund offset on behalf of an individual who has received or is
 19 receiving Title IV-A assistance, the child support payment shall be
 20 distributed as follows:

21 (1) To the state, an amount not to exceed the lesser of:

22 (A) the total amount of past public assistance paid to the
 23 individual's family; or

24 (B) the amount assigned to the state by the individual under
 25 IC 12-14-7-1.

26 (2) To the individual, any amounts remaining after the
 27 distribution under subdivision (1).

28 (d) **Except as provided in IC 31-25-4-19.5**, whenever the bureau
 29 collects a child support payment from any source on behalf of an
 30 individual who has never received Title IV-A assistance, the bureau
 31 shall forward all money collected to the individual.

32 (e) Whenever the bureau receives a child support payment on behalf
 33 of an individual who currently receives a Title IV-A cash payment or
 34 an individual whose cash payment was recouped, the child support
 35 payment shall be distributed as follows:

36 (1) To the state, an amount not to exceed the lesser of:

37 (A) the total amount of past public assistance paid to the
 38 individual's family; or

39 (B) the amount assigned to the state by the individual under
 40 IC 12-14-7-1.

41 (2) To the individual, any amounts remaining after the
 42 distribution under subdivision (1).

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(f) Unless otherwise required by federal law, not more than seventy-five (75) days after a written request by a recipient, the bureau shall provide an accounting report to the recipient that identifies the bureau's claim to a child support payment or arrearage.

SECTION 41. IC 31-25-4-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 19.5. (a) If a Title IV-D agency collects at least five hundred dollars (\$500) of child support payments on behalf of an individual who has never received Title IV-A assistance, the Title IV-D agency shall collect a fee in accordance with 42 U.S.C. 654(6). The Title IV-D agency may collect the fee by issuance and implementation of an income withholding order.**

(b) The Title IV-D agency shall collect the fee described in subsection (a) from one (1) of the following:

- (1) Any amount of child support payments that exceeds five hundred dollars (\$500) collected on behalf of the individual who applied for the services of collecting the child support payments.**
- (2) The parent who owes the child support obligation being enforced by the Title IV-D agency.**
- (3) State funds appropriated for the purpose of paying a fee under subsection (a).**

SECTION 42. IC 31-25-4-31, AS ADDED BY P.L.145-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 31. (a) The bureau shall operate a data match system with each financial institution doing business in Indiana.**

(b) Each financial institution doing business in Indiana shall provide information to the bureau on all noncustodial parents who:

- (1) hold one (1) or more accounts with the financial institution; and**
- (2) are delinquent.**

(c) In order to provide the information required under subsection (b), a financial institution shall either:

- (1) identify noncustodial parents by comparing records maintained by the financial institution with records provided by the bureau by:**
 - (A) name; and**
 - (B) either Social Security number or tax identification number;**
- or**
- (2) submit to the bureau a report, in a form satisfactory to the**

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- 1 bureau, that includes the Social Security number or tax
 2 identification number of each individual maintaining an account
 3 at the financial institution.
- 4 (d) The information required under subsection (b) must:
- 5 (1) be provided on a quarterly basis; and
- 6 (2) include the:
- 7 (A) name;
- 8 (B) address of record; and
- 9 (C) either the Social Security number or tax identification
 10 number;
- 11 of an individual identified under subsection (b).
- 12 (e) **Subject to section 31.5 of this chapter**, when the bureau has
 13 determined that the information required under subsection (d)(2) is
 14 identical for an individual who holds an account with a financial
 15 institution and an individual whose name appears on the quarterly list
 16 prepared by the bureau under section 30 of this chapter, the bureau
 17 shall provide a notice of the match if action is to be initiated to block
 18 or encumber the account by establishing a lien for child support
 19 payment to the:
- 20 (1) individual; and
- 21 (2) financial institution holding the account.
- 22 (f) The notice under section (e) must inform the individual that:
- 23 (1) the individual's account in a financial institution is subject to
 24 a child support lien; and
- 25 (2) the individual may file an appeal with the bureau within
 26 twenty (20) days after the date the notice was issued.
- 27 (g) The bureau shall hold a hearing under 470 IAC 1-4. The
 28 department's final action following a hearing held under this
 29 **subdivision subsection** is subject to judicial review as provided in 470
 30 IAC 1-4.
- 31 (h) The state's lien on assets under this section is subordinate to any
 32 prior lien perfected by:
- 33 (1) a financial institution; or
- 34 (2) another legitimate lien holder.
- 35 (i) A lien issued under this section remains in effect until the earliest
 36 of:
- 37 (1) one hundred twenty (120) days after issuance;
- 38 (2) the date the asset on which the lien is issued is surrendered; or
- 39 (3) the date the lien is released by an action of the bureau.
- 40 (j) This section does not preclude a financial institution from
 41 exercising its right to:
- 42 (1) charge back or recoup a deposit to an account; or

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1 (2) set off from an account held by the financial institution in
 2 which the noncustodial parent has an interest in any debts owed
 3 to the financial institution that existed before:

4 (A) the state's lien; and

5 (B) notification to the financial institution of the child support
 6 delinquency.

7 (k) A financial institution ordered to block or encumber an account
 8 under this section is entitled to collect its normally scheduled account
 9 activity fees to maintain the account during the period the account is
 10 blocked or encumbered.

11 (l) All information provided by a financial institution under this
 12 section is confidential and is available only to the bureau or its agents
 13 for use only in child support enforcement activities.

14 (m) A financial institution providing information required under this
 15 section is not liable for:

16 (1) disclosing the required information to the bureau;

17 (2) blocking or surrendering any of an individual's assets in
 18 response to a lien imposed by:

19 (A) the bureau under this section; or

20 (B) a person or entity acting on behalf of the bureau; or

21 (3) any other action taken in good faith to comply with this
 22 section.

23 (n) The department shall pay a financial institution performing the
 24 data match required by this section a reasonable fee for providing the
 25 service that does not exceed the actual cost incurred by the financial
 26 institution.

27 (o) This section does not prevent the bureau or its agents from
 28 encumbering an obligor's account with a financial institution by any
 29 other remedy available for the enforcement of a child support order.

30 SECTION 43. IC 31-25-4-32, AS ADDED BY P.L.145-2006,
 31 SECTION 271, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2007]: Sec. 32. (a) When the Title IV-D agency
 33 finds that an obligor is delinquent and can demonstrate that all previous
 34 enforcement actions have been unsuccessful, the Title IV-D agency
 35 shall send, to a verified address, a notice to the obligor that does the
 36 following:

37 (1) Specifies that the obligor is delinquent.

38 (2) Describes the amount of child support that the obligor is in
 39 arrears.

40 (3) States that unless the obligor:

41 (A) pays the obligor's child support arrearage in full;

42 (B) requests the activation of an income withholding order

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1 ~~under IC 31-16-15-2 and~~ establishes a payment plan with the
 2 Title IV-D agency to pay the arrearage, **which includes an**
 3 **income withholding order;** or
 4 (C) requests a hearing under section 33 of this chapter;
 5 within twenty (20) days after the date the notice is mailed, the
 6 Title IV-D agency shall issue an order to the bureau of motor
 7 vehicles stating that the obligor is delinquent and that the
 8 obligor's driving privileges shall be suspended.
 9 (4) Explains that the obligor has twenty (20) days after the notice
 10 is mailed to do one (1) of the following:
 11 (A) Pay the obligor's child support arrearage in full.
 12 (B) ~~Request the activation of an income withholding order~~
 13 ~~under IC 31-16-15-2 and~~ Establish a payment plan with the
 14 Title IV-D agency to pay the arrearage, **which includes an**
 15 **income withholding order under IC 31-16-15-2 or**
 16 **IC 31-16-15-2.5.**
 17 (C) Request a hearing under section 33 of this chapter.
 18 (5) Explains that if the obligor has not satisfied any of the
 19 requirements of subdivision (4) within twenty (20) days after the
 20 notice is mailed, that the Title IV-D agency shall issue a notice to:
 21 (A) the board or department that regulates the obligor's
 22 profession or occupation, if any, that the obligor is delinquent
 23 and that the obligor may be subject to sanctions under
 24 IC 25-1-1.2, including suspension or revocation of the
 25 obligor's professional or occupational license;
 26 (B) the supreme court disciplinary commission if the obligor
 27 is licensed to practice law;
 28 (C) the department of education established by IC 20-19-3-1
 29 if the obligor is a licensed teacher;
 30 (D) the Indiana horse racing commission if the obligor holds
 31 or applies for a license issued under IC 4-31-6;
 32 (E) the Indiana gaming commission if the obligor holds or
 33 applies for a license issued under IC 4-33;
 34 (F) the commissioner of the department of insurance if the
 35 obligor holds or is an applicant for a license issued under
 36 IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3; or
 37 (G) the director of the department of natural resources if the
 38 obligor holds or is an applicant for a license issued by the
 39 department of natural resources under the following:
 40 (i) IC 14-22-12 (fishing, hunting, and trapping licenses).
 41 (ii) IC 14-22-14 (Lake Michigan commercial fishing
 42 license).

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- 1 (iii) IC 14-22-16 (bait dealer's license).
- 2 (iv) IC 14-22-17 (mussel license).
- 3 (v) IC 14-22-19 (fur buyer's license).
- 4 (vi) IC 14-24-7 (nursery dealer's license).
- 5 (vii) IC 14-31-3 (ginseng dealer's license).
- 6 (6) Explains that the only basis for contesting the issuance of an
- 7 order under subdivision (3) or (5) is a mistake of fact.
- 8 (7) Explains that an obligor may contest the Title IV-D agency's
- 9 determination to issue an order under subdivision (3) or (5) by
- 10 making written application to the Title IV-D agency within twenty
- 11 (20) days after the date the notice is mailed.
- 12 (8) Explains the procedures to:
- 13 (A) pay the obligor's child support arrearage in full; **and**
- 14 (B) establish a payment plan with the Title IV-D agency to pay
- 15 the arrearage, ~~and~~ **which must include an income**
- 16 **withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.**
- 17 ~~(C) request the activation of an income withholding order~~
- 18 ~~under IC 31-16-15-2.~~
- 19 (b) Whenever the Title IV-D agency finds that an obligor is
- 20 delinquent and has failed to:
- 21 (1) pay the obligor's child support arrearage in full;
- 22 (2) establish a payment plan with the Title IV-D agency to pay the
- 23 arrearage, ~~and request the activation of~~ **which includes** an income
- 24 withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5**; or
- 25 (3) request a hearing under section 33 of this chapter within
- 26 twenty (20) days after the date the notice described in subsection
- 27 (a) is mailed;
- 28 the Title IV-D agency shall issue an order to the bureau of motor
- 29 vehicles stating that the obligor is delinquent.
- 30 (c) An order issued under subsection (b) must require the following:
- 31 (1) If the obligor who is the subject of the order holds a driving
- 32 license or permit on the date the order is issued, that the driving
- 33 privileges of the obligor be suspended until further order of the
- 34 Title IV-D agency.
- 35 (2) If the obligor who is the subject of the order does not hold a
- 36 driving license or permit on the date the order is issued, that the
- 37 bureau of motor vehicles may not issue a driving license or permit
- 38 to the obligor until the bureau of motor vehicles receives a further
- 39 order from the Title IV-D agency.
- 40 (d) The Title IV-D agency shall provide the:
- 41 (1) full name;
- 42 (2) date of birth;

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1 (3) verified address; and
 2 (4) Social Security number or driving license number;
 3 of the obligor to the bureau of motor vehicles.
 4 (e) Whenever the Title IV-D agency finds that an obligor who is an
 5 applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in
 6 IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed
 7 to:
 8 (1) pay the obligor's child support arrearage in full;
 9 (2) establish a payment plan with the Title IV-D agency to pay the
 10 arrearage, ~~or request the activation of which includes~~ an income
 11 withholding order under ~~IC 31-16-15;~~ **IC 31-16-15-2** or
 12 **IC 31-16-15-2.5;** or
 13 (3) request a hearing under section 33 of this chapter;
 14 the Title IV-D agency shall issue an order to the board regulating the
 15 practice of the obligor's profession or occupation stating that the
 16 obligor is delinquent.
 17 (f) An order issued under subsection (e) must direct the board or
 18 department regulating the obligor's profession or occupation to impose
 19 the appropriate sanctions described under IC 25-1-1.2.
 20 (g) Whenever the Title IV-D agency finds that an obligor who is an
 21 attorney or a licensed teacher is delinquent and the attorney or licensed
 22 teacher has failed to:
 23 (1) pay the obligor's child support arrearage in full;
 24 (2) establish a payment plan with the Title IV-D agency to pay the
 25 arrearage, ~~or request the activation of which includes~~ an income
 26 withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;** or
 27 (3) request a hearing under section 33 of this chapter;
 28 the Title IV-D agency shall notify the supreme court disciplinary
 29 commission if the obligor is an attorney, or the department of education
 30 if the obligor is a licensed teacher, that the obligor is delinquent.
 31 (h) Whenever the Title IV-D agency finds that an obligor who holds
 32 a license issued under IC 4-31-6 or IC 4-33 has failed to:
 33 (1) pay the obligor's child support arrearage in full;
 34 (2) establish a payment plan with the Title IV-D agency to pay the
 35 arrearage, ~~and request the activation of which includes~~ an income
 36 withholding order under IC 31-16-15-2 **or IC 31-16-15-2.5;** or
 37 (3) request a hearing under section 33 of this chapter;
 38 the Title IV-D agency shall issue an order to the Indiana horse racing
 39 commission if the obligor holds a license issued under IC 4-31-6, or to
 40 the Indiana gaming commission if the obligor holds a license issued
 41 under IC 4-33, stating that the obligor is delinquent and directing the
 42 commission to impose the appropriate sanctions described in

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1 IC 4-31-6-11 or IC 4-33-8.5-3.

2 (i) Whenever the Title IV-D agency finds that an obligor who holds
3 a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has
4 failed to:

- 5 (1) pay the obligor's child support arrearage in full;
6 (2) establish a payment plan with the Title IV-D agency to pay the
7 arrearage, ~~and request the activation of which includes~~ an income
8 withholding order under IC 31-16-15-2 ~~or IC 31-16-15-2.5~~; or
9 (3) request a hearing under section 33 of this chapter;

10 the Title IV-D agency shall issue an order to the commissioner of the
11 department of insurance stating that the obligor is delinquent and
12 directing the commissioner to impose the appropriate sanctions
13 described in IC 27-1-15.6-29 or IC 27-10-3-20.

14 (j) Whenever the Title IV-D agency finds that an obligor who holds
15 a license issued by the department of natural resources under
16 IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19,
17 IC 14-24-7, or IC 14-31-3 has failed to:

- 18 (1) pay the obligor's child support arrearage in full;
19 (2) establish a payment plan with the Title IV-D agency to pay the
20 arrearage, ~~and request the activation of which includes~~ an income
21 withholding order under IC 31-16-15-2 ~~or IC 31-16-15-2.5~~; or
22 (3) request a hearing under section 33 of this chapter;

23 the Title IV-D agency shall issue an order to the director of the
24 department of natural resources stating that the obligor is delinquent
25 and directing the director to suspend or revoke a license issued to the
26 obligor by the department of natural resources as provided in
27 IC 14-11-3.

28 SECTION 44. IC 33-37-5-6, AS AMENDED BY P.L.148-2006,
29 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JANUARY 1, 2008]: Sec. 6. (a) This section applies to an action in
31 which a final court order requires a person to pay support or
32 maintenance payments through the clerk or the state central collection
33 unit.

34 (b) The clerk or the state central collection unit shall collect a fee in
35 addition to support and maintenance payments. The fee is ~~thirty dollars~~
36 ~~(\$30)~~ **fifty-five dollars (\$55)** for each calendar year.

37 (c) The fee required under subsection (b) is due at the time that the
38 first support or maintenance payment for the calendar year in which the
39 fee must be paid is due.

40 (d) The clerk may not deduct the fee from a support or maintenance
41 payment.

42 (e) Except as provided under IC 33-32-4-6 and IC 33-37-7-2(g), if

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1 a fee is collected under this section by the clerk, the clerk shall forward
2 the fee to the county auditor in accordance with IC 33-37-7-12(a). If a
3 fee is collected under this section by the central collection unit, the fee
4 shall be deposited in the state general fund.

5 (f) Income payors required to withhold income under IC 31-16-15
6 shall pay the annual fee required by subsection (b) through the income
7 withholding procedures described in ~~IC 31-16-15-1~~. **IC 31-16-15.**

8 SECTION 45. IC 34-30-2-133.2 IS ADDED TO THE INDIANA
9 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
10 **[EFFECTIVE JULY 1, 2007]: Sec. 133.2. IC 31-16-15-30**
11 **(Concerning a Title IV-D agency or an agent of a Title IV-D agency**
12 **for withholding income paid to an obligee, the Title IV-D agency,**
13 **or the state central collection unit in accordance with an income**
14 **withholding order).**

15 SECTION 46. THE FOLLOWING ARE REPEALED [EFFECTIVE
16 JULY 1, 2007]: IC 31-16-15-1; IC 31-16-15-3; IC 31-16-15-4;
17 IC 31-16-15-5; IC 31-16-15-6; IC 31-16-15-7; IC 31-16-15-8;
18 IC 31-16-15-9; IC 31-16-15-10; IC 31-16-15-11; IC 31-16-15-12;
19 IC 31-16-15-13; IC 31-16-15-14; IC 31-16-15-15; IC 31-16-15-21;
20 IC 31-16-15-24.

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SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 329.

LAWSON C

 COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 329, 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:

Page 14, delete lines 22 through 32.

Page 17, line 9, after "any" insert "**Title IV-D**".

Page 18, delete lines 28 through 32.

Page 20, line 7, delete "subject to subsection (f)".

Page 20, line 7, after "an" insert "**additional**".

Page 20, line 7, after "amount" insert "**as determined under subsection (f)**".

Page 20, line 14, delete "The amount under subsection (e)(3) may not exceed the" and insert "**If an obligor subject to an income withholding order is in arrears, unless otherwise ordered by a court, the Title IV-D agency or its agent may increase the weekly amount withheld as follows:**

- (1) **If the arrearages are at least five hundred dollars (\$500) and less than three thousand dollars (\$3,000), an additional amount of up to twenty dollars (\$20).**
- (2) **If the arrearages are at least three thousand dollars (\$3,000) and less than five thousand dollars (\$5,000), an additional amount of up to twenty-five dollars (\$25).**
- (3) **If the arrearages are at least five thousand dollars (\$5,000) and less than ten thousand dollars (\$10,000), an additional amount of up to thirty dollars (\$30).**
- (4) **If the arrearages are at least ten thousand dollars (\$10,000) and less than fifteen thousand dollars (\$15,000), an additional amount of up to thirty-five dollars (\$35).**
- (5) **If the arrearages are at least fifteen thousand dollars (\$15,000) and less than twenty thousand dollars (\$20,000), an additional amount of up to forty dollars (\$40).**
- (6) **If the arrearages are at least twenty thousand dollars (\$20,000) and less than twenty-five thousand dollars (\$25,000),**

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an additional amount of up to forty-five dollars (\$45).

(7) If the arrearages are at least twenty-five thousand dollars (\$25,000), an additional amount of up to fifty dollars (\$50).

(g) A court is not bound by and is not required to consider the additional amounts described in subsection (f) when ordering, modifying, or enforcing periodic payments of child support."

Page 20, delete lines 15 through 19.

Page 21, line 31, delete "subject to section 2.5(f) of this chapter,".

Page 21, line 31, after "an" insert "additional".

Page 21, line 31, after "amount" insert "as determined under section 2.5(f) of this chapter".

Page 30, line 18, after "payment" insert ";".

Page 30, line 18, delete "based upon employment".

Page 30, line 19, delete "income;".

Page 30, line 25, delete "child".

Page 31, line 1, after "chapter," insert "the Title IV-D agency shall send the income payor, by certified mail, a notice of failure to comply. If the income payor fails to forward the money required by an income withholding order within thirty (30) days after receipt of the notice of failure to comply, "

Page 31, line 4, delete "that receives an income withholding order".

Page 31, delete line 5.

Page 31, line 6, delete "order" and insert "described in subsection (a)".

Page 31, run in lines 4 through 6.

Page 32, line 23, delete "court;" and insert "court".

Page 32, line 24, after "chapter;" insert "or the Title IV-D agency;".

Page 33, line 5, delete "(a)".

Page 33, line 6, delete "an administrative" and insert "a".

Page 33, line 7, after "subpoena" insert "under Indiana Trial Rule 45".

Page 33, delete lines 9 through 16.

Page 37, delete lines 31 through 42.

Page 38, delete lines 1 through 20.

Page 42, line 21, delete "JULY 1, 2007]:" and insert "JANUARY 1, 2008]:".

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to SB 329 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.

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