



February 19, 2010

**ENGROSSED
SENATE BILL No. 163**

DIGEST OF SB 163 (Updated February 15, 2010 6:14 pm - DI 14)

Citations Affected: IC 4-33; IC 4-35; IC 7.1-3; IC 9-14; IC 9-25; IC 10-13; IC 12-7; IC 12-14; IC 12-15; IC 31-9; IC 31-14; IC 31-16; IC 31-17; IC 31-25; IC 32-17.5; IC 34-30.

Synopsis: Various child support matters. Requires persons who own or operate a river boat licensed as a gambling operation or a horse racetrack licensed for gambling games to withhold cash winnings of obligors for amounts the obligors are delinquent in child support. Allows persons who own or operate a river boat licensed as a gambling operation or a horse racetrack licensed for gambling games to deduct and retain an administrative fee in relation to withholding the obligor's delinquent child support. Requires the: (1) gaming commission to place on probationary status, suspend, and deny licenses for gambling games at horse racetracks; and (2) the alcohol and tobacco commission to place on probationary status, suspend, and deny employee's permits; of certain obligors who are delinquent in child support. Provides that a person whose driving license is suspended because of delinquent child support is not required to pay a reinstatement fee to have the person's driving license reinstated. Provides that the child support bureau (bureau) and certain contractors of the bureau may be granted access to information in certain state systems and in certain records of state agencies and other entities, subject to policies adopted to prevent
(Continued next page)

Effective: July 1, 2010.

**Bray, Broden, Zakas, Errington,
Alting, Wyss, Hume, Landske**
(HOUSE SPONSORS — LAWSON L, FOLEY, BARNES)

January 5, 2010, read first time and referred to Committee on Judiciary.
January 19, 2010, amended, reported favorably — Do Pass.
January 25, 2010, read second time, amended, ordered engrossed.
January 26, 2010, engrossed.
January 28, 2010, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 2, 2010, read first time and referred to Committee on Public Policy.
February 18, 2010, amended, reported — Do Pass.

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ES 163—LS 6804/DI 110



disclosure of certain law enforcement information. Requires a court to immediately withhold income under a child support order established in any proceeding. Provides that a parent, custodian or guardian of child who refuses to cooperate in: (1) a paternity action; or (2) the establishment or enforcement of a child support order; is subject to sanctions or revocation or suspension of Temporary Assistance for Needy Families. Requires a guardian or custodian of a child to make a good faith effort to cooperate with the bureau and certain other agencies regarding certain paternity and child support matters. Requires a custodial parent and noncustodial parent to provide certain information to the clerk of the court. Provides that a court may consider a child emancipated if the child is on active duty in the United States armed forces. (Current law provides that a court may consider a child emancipated if the child has joined the United States armed forces). Provides that the income withholding provisions apply to any proceeding in which child support is established. Requires an employer to transfer the National Medical Support Notice to the employer's health insurance plan within 20 days after the date of the National Medical Support Notice. Requires an income withholding order form to contain certain information. Provides that an income payor may not distribute income in a manner that would result in one of the current child support obligations not being honored. Provides that an income payor is not required to vary the income payor's normal pay and distribution cycles in order to comply with the income withholding provisions. Requires that a court or administrative agency deem due process met if certain requirements have been met. Provides that various persons are immune from civil and criminal liability for certain acts or for failures to act. Prohibits a person from disclaiming an interest in property up to the extent of the person's child support arrearage. Prohibits a court from considering a parent's absence or relocation due to active military duty as a factor in determining custody or permanently modifying a child custody order. Provides that if a court temporarily modifies a custody order due to a parent's active duty service, the order temporarily modifying the custody order terminates automatically not later than 10 days after the date the parent notifies the temporary custodian in writing that the parent has returned from active duty service. Makes a technical correction.

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February 19, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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ENGROSSED SENATE BILL No. 163

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 4-33-4-27 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2010]: **Sec. 27. (a) The bureau shall provide information to a
4 licensed owner, an operating agent, or a trustee concerning persons
5 who are delinquent in child support.**

6 **(b) If a licensed owner, an operating agent, or a trustee is
7 required to file Form W-2G or a substantially equivalent form with
8 the United States Internal Revenue Service for a person who is
9 delinquent in child support, before payment of cash winnings to the
10 person, the licensed owner, operating agent, or trustee:**

11 **(1) may deduct and retain an administrative fee in the amount
12 of the lesser of:**

13 **(A) three percent (3%) of the amount of delinquent child
14 support withheld under subdivision (2)(A); or**

15 **(B) one hundred dollars (\$100); and**

ES 163—LS 6804/DI 110+



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- (2) shall:**
 - (A) withhold the amount of delinquent child support owed from the cash winnings;**
 - (B) transmit to the bureau:**
 - (i) the amount withheld for delinquent child support; and**
 - (ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of the payment, and the name and location of the licensed owner, operating agent, or trustee; and**
 - (C) issue the obligor a receipt in a form prescribed by the bureau with the total amount withheld for delinquent child support and the administrative fee.**
 - (c) The bureau shall notify the obligor at the address provided by the licensed owner, operating agent, or trustee that the bureau intends to offset the obligor's delinquent child support with the cash winnings.**
 - (d) The bureau shall hold the amount withheld from cash winnings of an obligor for ten (10) business days before applying the amount as payment to the obligor's delinquent child support.**
 - (e) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (b)(1) have priority over any secured or unsecured claim on cash winnings except claims for federal or state taxes that are required to be withheld under federal or state law.**
- SECTION 2. IC 4-33-8.5-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) A licensed owner, operating agent, or trustee that fails to comply with IC 4-33-4-27 is subject to penalties and sanctions established by the commission under section 5 of this chapter.**
- (b) A licensed owner, operating agent, or trustee that makes a payment of cash winnings to an obligor in violation of IC 4-33-4-27 is not liable to a person to whom the obligor owes child support.**
 - (c) A licensed owner, operating agent, or trustee is immune from civil and criminal liability for acting in compliance with IC 4-33-4-27.**
- SECTION 3. IC 4-33-8.5-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) A licensed owner, operating agent, or trustee that personally or through the act or omission of an employee,**

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independent contractor, agent, or representative fails to withhold delinquent child support from the cash winnings of an obligor as required under IC 4-33-4-27 is subject to sanctions and penalties established by the commission under this section.

(b) The commission may adopt rules under IC 4-22-2 to establish penalties and sanctions for any licensed owner, operating agent, or trustee who fails to withhold delinquent child support from cash winnings as required by IC 4-33-4-27.

SECTION 4. IC 4-35-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 2.5. "Bureau" refers to the child support bureau of the department of child services established by IC 31-25-3-1.**

SECTION 5. IC 4-35-2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 3.5. "Delinquent" means at least:**

- (1) two thousand dollars (\$2,000); or**
 - (2) three (3) months;**
- past due on payment of court ordered child support.**

SECTION 6. IC 4-35-4-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 16. (a) The bureau shall provide information to a permit holder or trustee concerning persons who are delinquent in child support.**

(b) If a permit holder or trustee is required to file Form W-2G or a substantially equivalent form with the United States Internal Revenue Service for a person who is delinquent in child support, before payment of cash winnings from gambling games, the permit holder or trustee:

- (1) may deduct and retain an administrative fee in the amount of the lesser of:**
 - (A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or**
 - (B) one hundred dollars (\$100); and**
- (2) shall:**
 - (A) withhold the amount of delinquent child support owed from the cash winnings;**
 - (B) transmit to the bureau:**
 - (i) the amount withheld for delinquent child support; and**
 - (ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of**

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1 the payment, and the name and location of the permit
 2 holder or trustee; and
 3 (C) issue the obligor a receipt in a form prescribed by the
 4 bureau with the total amount withheld for delinquent child
 5 support and the administrative fee.

6 (c) The bureau shall notify the obligor at the address provided
 7 by the permit holder or trustee that the bureau intends to offset the
 8 obligor's delinquent child support with the cash winnings.

9 (d) The bureau shall hold the amount withheld from cash
 10 winnings of the obligor for ten (10) business days before applying
 11 the amount as payment to the obligor's delinquent child support.

12 (e) The delinquent child support required to be withheld under
 13 this section and an administrative fee described under subsection
 14 (b)(1) have priority over any secured or unsecured claim on cash
 15 winnings except claims for federal or state taxes that are required
 16 to be withheld under federal or state law.

17 SECTION 7. IC 4-35-6.5-12 IS ADDED TO THE INDIANA CODE
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2010]: **Sec. 12. (a) A permit holder or trustee that fails to comply
 20 with IC 4-35-4-16 is subject to sanctions established by the
 21 commission under section 13 of this chapter.**

22 (b) A permit holder or trustee that makes a payment of cash
 23 winnings to an obligor in violation of IC 4-35-4-16 is not liable to
 24 a person to whom the obligor owes child support.

25 (c) A permit holder or trustee is immune from civil and criminal
 26 liability for acting in compliance with IC 4-35-4-16.

27 SECTION 8. IC 4-35-6.5-13 IS ADDED TO THE INDIANA CODE
 28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 29 1, 2010]: **Sec. 13. (a) A permit holder or trustee that personally or
 30 through the act or omission of an employee, independent
 31 contractor, agent, or representative fails to withhold delinquent
 32 child support from the cash winnings of an obligor as required
 33 under IC 4-35-4-16 is subject to penalties and sanctions established
 34 by the commission under this section.**

35 (b) The commission may adopt rules under IC 4-22-2 to
 36 establish penalties and sanctions for any permit holder or trustee
 37 who fails to withhold delinquent child support from cash winnings.

38 SECTION 9. IC 4-35-6.7 IS ADDED TO THE INDIANA CODE
 39 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2010]:

41 **Chapter 6.7. Suspension, Probation, and Denial of Licenses for
 42 Failure to Pay Child Support**

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Sec. 1. (a) Upon receiving an order of a court issued under IC 31-14-12-6 or IC 31-16-12-9, the commission shall:

(1) suspend a license issued under this article to a person who is the subject of the order; and

(2) promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(A) That the person's license is suspended beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate not earlier than ten (10) business days after the commission receives an order allowing reinstatement from the court that issued the suspension order.

(B) That the person has the right to petition for reinstatement of a license issued under this chapter to the court that issued the order for suspension.

(b) The commission shall not reinstate a license suspended under subsection (a) until the commission receives an order allowing reinstatement from the court that issued the order for suspension.

Sec. 2. (a) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-32(h), the commission shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

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

- (A) pays the person's child support arrearage in full;**
- (B) establishes a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or**
- (C) requests a hearing under IC 31-25-4-33;**

within twenty (20) days after the date the notice is mailed, the commission shall place the person on probationary status with respect to any license issued to the person under this chapter.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date 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

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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 includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and
- (C) request a hearing under IC 31-25-4-33.

(6) Explains that the probation will terminate ten (10) business days after the commission 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, 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(c), the commission shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under this article has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the commission 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, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the commission 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, 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 commission shall suspend the person's license.

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

- (1) pay the person's child support arrearage in full; or
- (2) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under

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1 **IC 31-16-15-2 or IC 31-16-15-2.5;**
2 **within twenty (20) days after the notice required under subsection**
3 **(b) is mailed, the commission shall suspend the person's license.**

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

- 7 **(1) paid the person's child support arrearage in full; or**
- 8 **(2) established a payment plan with the bureau to pay the**
9 **arrearage, which includes an income withholding order under**
10 **IC 31-16-15-2 or IC 31-16-15-2.5, as required by IC 4-35-4-16.**

11 **SECTION 10. IC 7.1-3-23-44 IS ADDED TO THE INDIANA**
12 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
13 **[EFFECTIVE JULY 1, 2010]: Sec. 44. (a) As used in this section,**
14 **"bureau" refers to the child support bureau of the department of**
15 **child services establish by IC 31-25-3-1.**

16 **(b) As used in this section, "delinquent" has the meaning set**
17 **forth in IC 4-35-2-3.5.**

18 **(c) Upon receiving an order from the bureau (Title IV-D**
19 **agency) under IC 31-25-4-32(k), the commission shall send to the**
20 **person who is the subject of the order a notice that includes the**
21 **following information:**

- 22 **(1) The person is delinquent and subject to an order placing**
23 **the person on probationary status.**
- 24 **(2) That unless the person contacts the bureau and:**
25 **(A) pays the person's child support arrearage in full;**
26 **(B) establishes a payment plan with the bureau to pay the**
27 **arrearage, which includes an income withholding order**
28 **under IC 31-16-15-2 or IC 31-16-15-2.5; or**
29 **(C) requests a hearing under IC 31-25-4-33;**

30 **within twenty (20) days after the date the notice is mailed, the**
31 **commission shall place the person on probationary status with**
32 **respect to a permit issued to the person under**
33 **IC 7.1-3-18-9(a)(3).**

34 **(3) The person may contest the bureau's determination that**
35 **the person is delinquent and subject to an order placing the**
36 **person on probationary status by making written application**
37 **to the bureau within twenty (20) days after the date the notice**
38 **is mailed.**

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

42 **(5) The procedures to:**

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- 1 (A) pay the person's child support arrearage in full;
- 2 (B) establish a payment plan with the bureau to pay the
- 3 arrearage, which includes an income withholding order
- 4 under IC 31-16-15-2 or IC 31-16-15-2.5; and
- 5 (C) request a hearing under IC 31-25-4-33.
- 6 (6) The probation will end ten (10) business days after the
- 7 date that the commission receives a notice from the bureau
- 8 that the person has:
 - 9 (A) paid the person's child support arrearage in full; or
 - 10 (B) established a payment plan with the bureau to pay the
 - 11 arrearage, which includes an income withholding order
 - 12 under IC 31-16-15-2 or IC 31-16-15-2.5.
- 13 (d) If the commission is advised by the bureau that the obligor
- 14 either requested a hearing and failed to appear or appeared and
- 15 was found to be delinquent, the commission shall send to the
- 16 person who is the subject of the order a notice that states the
- 17 following:
 - 18 (1) That a permit issued to the person under
 - 19 IC 7.1-3-18-9(a)(3) has been placed on probationary status,
 - 20 beginning five (5) business days after the date the notice is
 - 21 mailed, and that the probation will end ten (10) business days
 - 22 after the date that the commission receives a notice from the
 - 23 bureau that 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, which includes an income withholding order
 - 27 under IC 31-16-15-2 or IC 31-16-15-2.5.
 - 28 (2) That if the commission is advised by the bureau that the
 - 29 person whose permit has been placed on probationary status
 - 30 has failed to:
 - 31 (A) pay the person's child support arrearage in full; or
 - 32 (B) establish a payment plan with the bureau to pay the
 - 33 arrearage, which includes an income withholding order
 - 34 under IC 31-16-15-2 or IC 31-16-15-2.5;
 - 35 within twenty (20) days after the date the notice is mailed, the
 - 36 commission shall suspend the person's permit.
- 37 (e) If a person whose permit has been placed on probationary
- 38 status fails to:
 - 39 (1) pay the person's child support arrearage in full; or
 - 40 (2) establish a payment plan with the bureau to pay the
 - 41 arrearage, which includes an income withholding order under
 - 42 IC 31-16-15-2 or IC 31-16-15-2.5;

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1 within twenty (20) days after the notice required under subsection
2 (c) is mailed, the commission shall suspend the person's permit.

3 (f) The commission may not reinstate a permit placed on
4 probation or suspended under this section until the commission
5 receives a notice from the bureau that the person has:

- 6 (1) paid the person's child support arrearage in full; or
- 7 (2) established a payment plan with the bureau to pay the
- 8 arrearage, which includes an income withholding order under
- 9 IC 31-16-15-2 or IC 31-16-15-2.5.

10 SECTION 11. IC 7.1-3-23-45 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2010]: Sec. 45. (a) Upon receiving a court
13 order issued under IC 31-14-12-10 or IC 31-16-12-13, the
14 commission shall:

- 15 (1) suspend the employee's permit of; or
- 16 (2) deny an employee's permit or the renewal of an employee's
- 17 permit to;

18 the person who is the subject of the order.

19 (b) Upon receiving a court order issued under IC 31-14-12-10 or
20 IC 31-16-12-13, the commission shall promptly mail a notice to the
21 last known address of the person who is the subject of the order
22 that states the following:

- 23 (1) That the:
 - 24 (A) person's employee's permit has been suspended,
 - 25 beginning five (5) business days after the date the notice is
 - 26 mailed; and
 - 27 (B) suspension will end ten (10) business days after the
 - 28 commission receives an order from the court that ordered
 - 29 the suspension authorizing reinstatement of the person's
 - 30 employee's permit.

- 31 (2) That the person has the right to petition for reinstatement
- 32 of the employee's permit to the court that ordered the
- 33 suspension.

34 (c) The commission may not reinstate an employee's permit
35 suspended under this section until the commission receives an
36 order from the court that ordered the suspension authorizing
37 reinstatement of the person's employee's permit.

38 SECTION 12. IC 9-14-3-6 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) Upon the
40 submission to the bureau of a specific written request from an
41 individual or organization for a compilation of specific information
42 requested for the purposes described in subsection (c), the bureau may

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1 contract with the individual or organization to compile the requested
2 information from the records of the bureau.

3 (b) The bureau may charge an amount agreeable to the parties, as
4 described in IC 9-29-2-3.

5 (c) An individual or organization making a request under this
6 section must certify one (1) of the following:

7 (1) That the information is required for the purposes of notifying
8 vehicle owners of vehicle defects and recall for modifications,
9 and that the individual or organization will use the information
10 provided only for that purpose.

11 (2) That the information will be used only for research or
12 statistical reporting purposes and that individual identities will be
13 properly protected in the preparation of the research or reports
14 and not ascertainable from the published reports or research
15 results.

16 (3) That the information will be used for the purpose of
17 documenting the sale of motor vehicles in Indiana.

18 (4) That the information will be used for purposes of the federal
19 Selective Service System.

20 (5) That the information will be used solely for law enforcement
21 purposes by police officers.

22 **(6) That the information will be used to locate a parent**
23 **described in IC 31-25-3-2(c) as provided under IC 31-25-3-2.**

24 (d) The commission may not compile or release information
25 concerning voter registration under this section.

26 (e) The bureau shall provide the requested information under this
27 section in a format that is agreeable to the parties, including the
28 following formats:

29 (1) Printed records.

30 (2) Microfiche.

31 (3) Computer disk.

32 SECTION 13. IC 9-25-6-15 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 15. **(a) Except as**
34 **provided in subsection (b), a person:**

35 (1) whose current driving license is suspended under this chapter;
36 and

37 (2) who seeks the reinstatement of the driving license;
38 must pay a reinstatement fee to the bureau as provided in IC 9-29-10-1.

39 **(b) A person whose driver's license is suspended under section**
40 **19 or 20 of this chapter is not required to pay a reinstatement fee**
41 **to have the person's driving license reinstated.**

42 SECTION 14. IC 10-13-2-13 IS ADDED TO THE INDIANA

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2010]: **Sec. 13. Subject to policies adopted by**
3 **the superintendent concerning the disclosure of law enforcement**
4 **records, the division shall provide access to information in any**
5 **criminal justice information system that is used to locate an**
6 **individual for purposes relating to law enforcement to:**

- 7 (1) the child support bureau; or
8 (2) a prosecuting attorney, private attorney, or private entity
9 operating under an agreement or contract described in
10 IC 31-25-4-13.1.

11 SECTION 15. IC 12-7-2-43.5 IS ADDED TO THE INDIANA
12 CODE AS A NEW SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2010]: **Sec. 43.5. (a) "Cooperate", for**
14 **purposes of IC 12-14-2-24, IC 12-14-7-2, and IC 12-14-7-3,**
15 **includes, with regard to nonparent custodians or guardians, the**
16 **following:**

17 (1) To appear at appointments, in person or by telephone,
18 with a prosecuting attorney related to:

- 19 (A) establishing:
20 (i) paternity; or
21 (ii) an order for child support; or
22 (B) enforcing an order for child support.

23 (2) To return telephone calls and respond to correspondence
24 when requested by a prosecuting attorney.

25 (3) To supply information, to the extent known by the
26 nonparent custodian or guardian, for a prosecuting attorney
27 to proceed with appropriate actions to:

- 28 (A) establish paternity of a dependent child;
29 (B) locate parents; or
30 (C) establish a child support order with respect to a child.

31 (4) To appear at hearings regarding:

- 32 (A) establishment of paternity of a child or a child support
33 order; or
34 (B) enforcement of a child support order;

35 if attendance is necessary as determined by the prosecuting
36 attorney.

37 (b) Information under subsection (a)(3) includes:

- 38 (1) identification of potential fathers of a dependent child, if
39 known and paternity has not been established; and
40 (2) the following information, if known, regarding any parent
41 or potential parent of a dependent child:

42 (A) The full legal name and nicknames.

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- 1 **(B) The Social Security number.**
- 2 **(C) The current or last known address and phone number.**
- 3 **(D) The current or last known employer, including the**
- 4 **name and address of the employer.**
- 5 **(E) If a student, the current or last known school.**
- 6 **(F) The criminal record, including where and when the**
- 7 **parent or potential parent was incarcerated.**
- 8 **(G) The date of birth or age.**
- 9 **(H) The race.**
- 10 **(I) Any known group or organizational affiliations.**
- 11 **(J) The names and addresses of close friends or relatives.**
- 12 **(K) Any other information that the prosecuting attorney**
- 13 **requests to help locate or identify a parent of a dependent**
- 14 **child.**
- 15 **(L) A recent photograph.**

16 SECTION 16. IC 12-14-2-18, AS AMENDED BY P.L.161-2007,
 17 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2010]: Sec. 18. (a) A recipient or dependent child who fails
 19 to meet the requirements of section 17 of this chapter is subject to the
 20 revocation or suspension of assistance as provided under rules adopted
 21 by the division.

22 (b) A TANF recipient or applicant who refuses to participate in a
 23 employment opportunity or a job training opportunity offered to the
 24 recipient or applicant under IC 12-8-12 is subject to sanctions
 25 established by the director under IC 12-8-12-6(2).

26 **(c) Except in a case in which the parent, custodian, or guardian**
 27 **of the dependent child qualifies for a good cause or other exception**
 28 **provided by statute or administrative rule, a parent, custodian, or**
 29 **guardian who refuses to cooperate with the Title IV-D agency as**
 30 **required by IC 12-14-7-2, IC 12-14-7-3, or IC 12-14-2-24 in:**

- 31 **(1) a paternity action; or**
- 32 **(2) the establishment or enforcement of a child support order;**
- 33 **is subject to sanctions or revocation or suspension of assistance as**
- 34 **provided under rules adopted by the division.**

35 **(d) The division may adopt rules under IC 4-22-2 to implement**
 36 **subsection (c).**

37 SECTION 17. IC 12-14-2-24, AS AMENDED BY P.L.161-2007,
 38 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2010]: Sec. 24. (a) A dependent child and a parent or an
 40 essential person are not eligible for TANF assistance under this chapter
 41 unless the mother of the dependent child:

- 42 (1) initiates a court proceeding to establish paternity, other than

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- 1 an adoption proceeding, except as provided in IC 31-14-20-2;
- 2 (2) executes a paternity affidavit under IC 16-37-2-2.1; or
- 3 (3) requests, at the time of application or renewal, that the Title
- 4 IV-D agency or its agents file a paternity action under
- 5 IC 31-14-4-3.

6 (b) A person applying for assistance under this chapter is not
7 required to comply with subsection (a) if:

- 8 (1) the father of the dependent child has been charged with an act
- 9 of rape, incest, or child molesting that occurred against the
- 10 dependent child's mother within ten (10) months before the birth
- 11 of the dependent child;
- 12 (2) the mother of the dependent child is deceased;
- 13 (3) the division determines under rules adopted by the division
- 14 under IC 4-22-2 that the mother of the dependent child could not
- 15 know the identity of the child's father; or
- 16 (4) the mother of the dependent child provides proof, and the
- 17 division agrees, that the physical health or safety of the mother or
- 18 the dependent child would be jeopardized if the mother complies
- 19 with subsection (a); or
- 20 **(5) the dependent child is living in the family home of a**
- 21 **relative other than the mother of the child as described under**
- 22 **IC 12-14-1-1(a) and the relative provides proof, and the**
- 23 **division agrees, that the physical health or safety of the**
- 24 **mother, relative, or dependent child would be jeopardized if**
- 25 **the relative complies with subsection (a).**

26 (c) If a dependent child's mother is a party to a paternity action filed
27 under IC 31-14 (or IC 31-6-6.1 before its repeal), a county office shall
28 revoke assistance under this chapter if the mother fails to pursue the
29 paternity action.

30 (d) The office may not delay payments otherwise owing to a
31 provider if the mother fails to comply with this section.

32 **(e) Except as provided in subsection (b)(1), (b)(3), and (b)(5), if**
33 **a child is residing with a nonparent guardian or custodian, the**
34 **nonparent guardian or custodian shall make a good faith effort to**
35 **cooperate with a prosecuting attorney or the division by providing**
36 **to the prosecuting attorney or the division any information**
37 **regarding the potential paternity of the child.**

38 **(f) The nonparent custodian or guardian is presumed to make**
39 **a good faith effort under subsection (e) if the nonparent custodian**
40 **or guardian does one (1) or more of the following:**

- 41 **(1) Responds to telephone calls from a prosecuting attorney or**
- 42 **correspondence from a prosecuting attorney.**

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- 1 **(2) Appears for an appointment, in person or by telephone,**
- 2 **with a prosecuting attorney.**
- 3 **(3) Appears at a court hearing when requested by a**
- 4 **prosecuting attorney.**
- 5 **(4) Does one (1) or more of the following:**
 - 6 **(A) Provides information described in IC 12-7-2-43.5(b), to**
 - 7 **the extent the information is known.**
 - 8 **(B) Affirms that the information described in**
 - 9 **IC 12-7-2-43.5(b) is not known.**
- 10 **(g) Before making a determination that the nonparent custodian**
- 11 **or guardian is not making a good faith effort to cooperate, the**
- 12 **prosecuting attorney shall consider one (1) or more of the**
- 13 **following:**
 - 14 **(1) Whether the nonparent custodian or guardian could**
 - 15 **reasonably be expected to provide the information.**
 - 16 **(2) The age of the child for whom child support is being**
 - 17 **sought.**
 - 18 **(3) The circumstances surrounding the conception of the**
 - 19 **child.**
 - 20 **(4) The age and mental capacity of the nonparent custodian or**
 - 21 **guardian.**
 - 22 **(5) The time that has expired since the nonparent custodian or**
 - 23 **guardian has last had contact with:**
 - 24 **(A) the alleged father of the child;**
 - 25 **(B) a parent of the child; or**
 - 26 **(C) a relative of the persons listed in clause (A) or (B).**
 - 27 **(6) Any credible information that demonstrates an inability to**
 - 28 **provide correct information about an alleged father or a**
 - 29 **parent of the child because of deception by the alleged father**
 - 30 **or parent.**
 - 31 **(7) Any other credible information obtained by the**
 - 32 **prosecuting attorney that demonstrates the nonparent**
 - 33 **custodian or guardian has knowledge of the information**
 - 34 **sought by the prosecuting attorney.**
- 35 **SECTION 18. IC 12-14-7-2 IS AMENDED TO READ AS**
- 36 **FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) If the parents of**
- 37 **a dependent child are:**
 - 38 **(1) separated or divorced; and**
 - 39 **(2) there is no court order for the support of the child;**
- 40 **the other parent shall cooperate, within federal regulations, with the**
- 41 **state agency responsible for administering Title IV-D of the federal**
- 42 **Social Security Act in obtaining a support order.**

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(b) If a child is residing with a nonparent guardian or custodian, the nonparent guardian or custodian shall make a good faith effort to cooperate with the division and any agency responsible for administering Title IV-D of the federal Social Security Act in obtaining and enforcing a child support order.

(c) The nonparent custodian or guardian is presumed to make a good faith effort under subsection (b) if the nonparent custodian or guardian does one (1) or more of the following:

- (1) Responds to telephone calls from a prosecuting attorney or correspondence from a prosecuting attorney.
- (2) Appears for an appointment, in person or by telephone, with a prosecuting attorney.
- (3) Appears at a court hearing when requested by a prosecuting attorney.
- (4) Does one (1) or more of the following:
 - (A) Provides information described in IC 12-7-2-43.5(b), to the extent the information is known.
 - (B) Affirms that the information described in IC 12-7-2-43.5(b) is not known.

(d) Before making a determination that the nonparent custodian or guardian is not making a good faith effort to cooperate, the prosecuting attorney shall consider one (1) or more of the following:

- (1) Whether the nonparent custodian or guardian could reasonably be expected to provide the information.
- (2) The age of the child for whom child support is being sought.
- (3) The circumstances surrounding the conception of the child.
- (4) The age and mental capacity of the nonparent custodian or guardian.
- (5) The time that has expired since the nonparent custodian or guardian has last had contact with:
 - (A) the alleged father of the child;
 - (B) a parent of the child; or
 - (C) a relative of the persons listed in clause (A) or (B).
- (6) Any credible information that demonstrates an inability to provide correct information about an alleged father or a parent of the child because of deception by the alleged father or parent.
- (7) Any other credible information obtained by the prosecutor that demonstrates the nonparent custodian or guardian has

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1 **knowledge of the information sought by the prosecuting**
2 **attorney.**

3 SECTION 19. IC 12-14-7-3 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. **(a)** If a child is born
5 out of wedlock, the mother shall, when establishing the paternity of the
6 child and obtaining a support order, cooperate with the state agency
7 responsible for administering Title IV-D of the federal Social Security
8 Act, in compliance with federal regulations governing Title IV-D of the
9 federal Social Security Act.

10 **(b) If a child is residing with a nonparent guardian or custodian,**
11 **the nonparent guardian or custodian shall make a good faith effort**
12 **to cooperate with the division and with any agency responsible for**
13 **administering Title IV-D of the federal Social Security Act by**
14 **providing any information known to the nonparent guardian or**
15 **custodian regarding the potential paternity of the child.**

16 **(c) If a child is residing with a nonparent guardian or custodian,**
17 **the nonparent guardian or custodian shall make a good faith effort**
18 **to cooperate with the division and any agency responsible for**
19 **administering Title IV-D of the federal Social Security Act in the**
20 **establishment and enforcement of a child support order.**

21 **(d) The nonparent custodian or guardian is presumed to make**
22 **a good faith effort under subsections (b) and (c) if the nonparent**
23 **custodian or guardian does one (1) or more of the following:**

- 24 **(1) Responds to telephone calls from a prosecutor or**
25 **correspondence from a prosecuting attorney.**
- 26 **(2) Appears for an appointment, in person or by telephone,**
27 **with a prosecuting attorney.**
- 28 **(3) Appears at a court hearing when requested by a**
29 **prosecuting attorney.**

30 **(4) Does one (1) or more of the following:**

- 31 **(A) Provides information described in IC 12-7-2-43.5(b), to**
32 **the extent the information is known.**
- 33 **(B) Affirms that the information described in**
34 **IC 12-7-2-43.5(b) is not known.**

35 **(e) Before making a determination that the nonparent custodian**
36 **or guardian is not making a good faith effort to cooperate, the**
37 **prosecuting attorney shall consider one (1) or more of the**
38 **following:**

- 39 **(1) Whether the nonparent custodian or guardian could**
40 **reasonably be expected to provide the information.**
- 41 **(2) The age of the child for whom child support is being**
42 **sought.**

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- 1 **(3) The circumstances surrounding the conception of the**
- 2 **child.**
- 3 **(4) The age and mental capacity of the nonparent custodian or**
- 4 **guardian.**
- 5 **(5) The time that has expired since the nonparent custodian or**
- 6 **guardian has last had contact with:**
- 7 **(A) the alleged father of the child;**
- 8 **(B) a parent of the child; or**
- 9 **(C) a relative of the persons listed in clause (A) or (B).**
- 10 **(6) Any credible information that demonstrates an inability to**
- 11 **provide correct information about an alleged father or a**
- 12 **parent of the child because of deception by the alleged father**
- 13 **or parent.**
- 14 **(7) Any other credible information obtained by the**
- 15 **prosecuting attorney that demonstrates the nonparent**
- 16 **custodian or guardian has knowledge of the information**
- 17 **sought by the prosecuting attorney.**

18 SECTION 20. IC 12-15-29-10 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. (a) IC 27-8-23
 20 **applies and IC 31-16-15 apply** to this section.

21 (b) This section does not apply if an employer has eliminated family
 22 health coverage for all of its employees.

23 (c) Whenever a parent is required by a court or an administrative
 24 order to provide health coverage for a child and the parent is eligible
 25 for family health coverage through an employer doing business in
 26 Indiana, the employer shall provide family health coverage to the child
 27 in the manner described under IC 27-8-23-6 **and in the notice under**
 28 **IC 31-16-15-4.5(b)**. In addition, the employer shall:

- 29 (1) withhold from the employee's compensation the employee's
- 30 share, if any, of premiums for health coverage; and
- 31 (2) pay that amount to the insurer.

32 (d) Upon the initiation of withholding under subsection (c), an
 33 employee whose applicable child support order did not include a
 34 deduction from weekly available income for the cost of the health care
 35 premium is entitled to a modification of the child support order, taking
 36 into account the payments made as of the date withholding began.

37 SECTION 21. IC 31-9-2-0.8 IS ADDED TO THE INDIANA CODE
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 39 1, 2010]: **Sec. 0.8. "Active duty", for purposes of IC 31-14-13-6.3**
 40 **and IC 31-17-2-21.3, means full-time service in:**

- 41 (1) **the armed forces of the United States (as defined in**
- 42 **IC 5-9-4-3); or**

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1 **(2) the National Guard (as defined in IC 5-9-4-4);**
2 **for a period that exceeds thirty (30) consecutive days in a calendar**
3 **year.**

4 SECTION 22. IC 31-14-11-2, AS AMENDED BY P.L.148-2006,
5 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2010]: Sec. 2. (a) The court may order either or both parents
7 to pay any reasonable amount for child support after considering all
8 relevant factors, including the following:

- 9 (1) The financial resources of the custodial parent.
- 10 (2) The standard of living the child would have enjoyed had the
- 11 parents been married and remained married to each other.
- 12 (3) The physical and mental condition of the child.
- 13 (4) The child's educational needs.
- 14 (5) The financial resources and needs of the noncustodial parent.

15 **(b) The court shall order that child support payments ordered**
16 **under this section be immediately withheld from the income of the**
17 **parent obligated to pay child support as provided under**
18 **IC 31-16-15-0.5.**

19 ~~(b)~~ (c) The court shall order a custodial parent or third party under
20 section 9 of this chapter who receives child support to obtain an
21 account at a financial institution unless:

- 22 (1) the custodial parent or third party files a written objection
- 23 before a child support order is issued; and
- 24 (2) the court finds that good cause exists to exempt the custodial
- 25 parent or third party from the account requirement.

26 A custodial parent or third party ordered to obtain an account shall
27 provide the clerk of the circuit court and the state central collection unit
28 with an account number and any other information necessary to transfer
29 funds to the account.

30 ~~(c)~~ (d) In accordance with its policies, a financial institution may
31 restrict or deny services to a person ordered to obtain an account under
32 this section.

33 SECTION 23. IC 31-14-11-3 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) Where
35 appropriate, the support order may include:

- 36 (1) money for the child's education beyond grade 12, after the
- 37 court has considered:
 - 38 (A) the child's aptitude and ability;
 - 39 (B) the child's reasonable ability to contribute to educational
 - 40 expenses through:
 - 41 (i) work;
 - 42 (ii) obtaining loans; and

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- 1 (iii) obtaining other sources of financial aid reasonably
- 2 available to the child and the parent or parents; and
- 3 (C) the ability of the parents to meet these expenses;
- 4 (2) special medical, hospital, or dental expenses necessary to
- 5 serve the best interests of the child;
- 6 (3) fees mandated under Title IV-D of the federal Social Security
- 7 Act (42 U.S.C. 651 through 669); and
- 8 (4) basic health and hospitalization insurance coverage for the
- 9 child.

10 (b) If, however, the Title IV-D agency initiates action to establish or
 11 modify a support obligation and petitions the court to include basic
 12 health and hospitalization insurance coverage in the support order, the
 13 court shall include a provision ~~addressing insurance coverage for the~~
 14 ~~child. that requires either parent or both parents to provide~~
 15 **medical support for the child through health insurance coverage.**

16 (c) In an action initiated by the Title IV-D agency or other parties,
 17 the court ~~may shall~~ order ~~the parent who is ordered to pay child support~~
 18 **either parent or both parents** to provide the insurance coverage for
 19 the child if the insurance coverage is available to the parent at
 20 reasonable cost.

21 SECTION 24. IC 31-14-11-14 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 14. (a) The custodial
 23 parent and the noncustodial parent shall furnish the following
 24 information to the clerk of the court **for entry into the Indiana**
 25 **support enforcement tracking system (ISETS)** at the time of the
 26 issuance or modification of a child support order:

- 27 (1) **Except as provided in subsection (b),** the parent's:
 - 28 (A) Social Security number;
 - 29 (B) **current residence and mailing address;**
 - 30 (C) **telephone numbers;**
 - 31 (D) **date of birth; and**
 - 32 (E) **driver's license number.**

33 (2) The name and address of the parent's employer.

34 (b) **An individual certified as a program participant in the**
 35 **address confidentiality program under IC 5-26.5 is not required to**
 36 **provide the individual's current residence and mailing address if**
 37 **the individual provides an address designated by the office of the**
 38 **attorney general under IC 5-26.5 as the individual's current**
 39 **residence and mailing address.**

40 SECTION 25. IC 31-14-12-6, AS AMENDED BY P.L.145-2006,
 41 SECTION 228, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2010]: Sec. 6. If a court finds that a person who

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1 holds a license issued under IC 4-31-6, ~~or~~ IC 4-33, **or IC 4-35** is
2 delinquent (as defined in IC 31-25-4-2) as a result of an intentional
3 violation of an order for child support, the court shall issue an order to:

- 4 (1) the Indiana horse racing commission if the person holds a
5 license issued under IC 4-31-6; or
- 6 (2) the Indiana gaming commission if the person holds a license
7 issued under IC 4-33 **or IC 4-35**;

8 requiring that the person's license be suspended until further order of
9 the court.

10 SECTION 26. IC 31-14-12-10 IS ADDED TO THE INDIANA
11 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
12 [EFFECTIVE JULY 1, 2010]: **Sec. 10. If a court finds that a person**
13 **who holds or has applied for an employee's permit issued under**
14 **IC 7.1-3-18-9(a)(3) is delinquent (as defined in IC 31-25-4-2) as a**
15 **result of an intentional violation of an order for child support, the**
16 **court shall issue an order to the alcohol and tobacco commission**
17 **that:**

- 18 (1) **requires the person's employee's permit be suspended until**
19 **further order of the court;**
- 20 (2) **orders the chairman of the alcohol and tobacco**
21 **commission not to issue an employee's permit to the person**
22 **who is the subject of the order if the person does not currently**
23 **hold an employee's permit; or**
- 24 (3) **orders the chairman of the alcohol and tobacco**
25 **commission not to renew the employee's permit of the person**
26 **who is the subject of the order.**

27 SECTION 27. IC 31-14-12-11 IS ADDED TO THE INDIANA
28 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
29 [EFFECTIVE JULY 1, 2010]: **Sec. 11. (a) Except as otherwise**
30 **provided in subsection (b), in any subsequent child support**
31 **enforcement action between the parties, upon sufficient showing**
32 **that diligent effort has been made to ascertain the location of the**
33 **party by a prosecuting attorney, private attorney, or private entity**
34 **operating under an agreement or contract described in**
35 **IC 31-25-4-13.1, the court or administrative agency with**
36 **jurisdiction shall deem state due process requirements for notice**
37 **and service of process to be met with respect to the party required**
38 **to provide notice, upon mailing of written notice to the other party**
39 **at the most recent residential or employer address that is filed with**
40 **the clerk or state central collection unit.**

41 (b) **IC 34-47-4 applies to service of an order directing an obligor**
42 **to appear in a contempt proceeding.**

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1 SECTION 28. IC 31-14-13-6.3 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2010]: **Sec. 6.3. (a) A court may not consider**
 4 **a parent's absence or relocation due to active duty service as a**
 5 **factor in determining custody or permanently modifying a child**
 6 **custody order.**

7 (b) **If a court temporarily modifies a custody order due to a**
 8 **parent's active duty service, the order temporarily modifying the**
 9 **custody order terminates automatically not later than ten (10) days**
 10 **after the date the parent notifies the temporary custodian in**
 11 **writing that the parent has returned from active duty service. This**
 12 **subsection does not prevent a court from modifying a child custody**
 13 **order as provided under this article after a parent returns from**
 14 **active duty service.**

15 SECTION 29. IC 31-16-6-4, AS AMENDED BY P.L.103-2007,
 16 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2010]: **Sec. 4. (a) A child support order must ~~include an order~~**
 18 **for medical support to be provided by ~~require~~ either parent or both**
 19 **parents to provide medical support for the child through health**
 20 **insurance coverage if the health insurance coverage is available to**
 21 **the parent at a reasonable cost.**

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

24 SECTION 30. IC 31-16-6-6, AS AMENDED BY P.L.2-2007,
 25 SECTION 362, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2010]: **Sec. 6. (a) The duty to support a child**
 27 **under this chapter ceases when the child becomes twenty-one (21)**
 28 **years of age unless any of the following conditions occurs:**

29 (1) The child is emancipated before becoming twenty-one (21)
 30 years of age. In this case the child support, except for the
 31 educational needs outlined in section 2(a)(1) of this chapter,
 32 terminates at the time of emancipation, although an order for
 33 educational needs may continue in effect until further order of the
 34 court.

35 (2) The child is incapacitated. In this case the child support
 36 continues during the incapacity or until further order of the court.

37 (3) The child:

38 (A) is at least eighteen (18) years of age;

39 (B) has not attended a secondary school or postsecondary
 40 educational institution for the prior four (4) months and is not
 41 enrolled in a secondary school or postsecondary educational
 42 institution; and

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(C) is or is capable of supporting himself or herself through employment.

In this case the child support terminates upon the court's finding that the conditions prescribed in this subdivision exist. However, if the court finds that the conditions set forth in clauses (A) through (C) are met but that the child is only partially supporting or is capable of only partially supporting himself or herself, the court may order that support be modified instead of terminated.

(b) For purposes of determining if a child is emancipated under subsection (a)(1), if the court finds that the child:

- (1) ~~has joined~~ **is on active duty in** the United States armed services;
- (2) has married; or
- (3) is not under the care or control of:
 - (A) either parent; or
 - (B) an individual or agency approved by the court;

the court shall find the child emancipated and terminate the child support.

SECTION 31. IC 31-16-6-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 9. (a) The custodial parent and noncustodial parent shall furnish the following information to the clerk of the court for entry into the Indiana support enforcement tracking system (ISETS) at the time of the issuance or modification of a child support order:**

- (1) Except as provided in subsection (b), the parent's:**
 - (A) Social Security number;**
 - (B) current residence and mailing address;**
 - (C) telephone numbers;**
 - (D) date of birth; and**
 - (E) driver's license number.**
- (2) The name, telephone number, and address of the parent's employer.**

(b) An individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's current residence and mailing address if the individual provides an address designated by the office of the attorney general under IC 5-26.5 as the individual's current residence and mailing address.

SECTION 32. IC 31-16-6-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 10. (a) Except as provided in**

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1 subsection (c), a party affected by a support order shall inform the
2 clerk of the court and the state central collection unit established
3 within the child support bureau by IC 31-25-3-1 of any change of
4 address not more than fifteen (15) days after the party's address is
5 changed.

6 (b) At the time of the issuance or modification of a support
7 order, the parties affected by the order shall inform the clerk of the
8 court and the state central collection unit established within the
9 child support bureau by IC 31-25-3-1 of:

10 (1) whether any of the parties is receiving or has received
11 assistance under the:

12 (A) federal Aid to Families with Dependent Children
13 program (42 U.S.C. 601 et seq.); or

14 (B) federal Temporary Assistance for Needy Families
15 (TANF) program (45 CFR 260 et seq.); and

16 (2) the Social Security number of any child affected by the
17 order.

18 The Social Security number required under subdivision (2) shall be
19 kept confidential and may be used only to carry out the purposes
20 of the Title IV-D program.

21 (c) A party who is an individual certified as a program
22 participant in the address confidentiality program under IC 5-26.5
23 is not required to provide the individual's current residence and
24 mailing address if the individual provides an address designated by
25 the office of the attorney general under IC 5-26.5 as the
26 individual's principal residence and mailing address.

27 SECTION 33. IC 31-16-8-2, AS AMENDED BY P.L.145-2006,
28 SECTION 232, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2010]: Sec. 2. The court shall ~~consider~~
30 ~~modifying~~ **modify** a support order to ~~include basic health and~~
31 ~~hospitalization coverage for the child~~ **require either parent or both**
32 **parents to provide medical support for the child through the health**
33 **insurance coverage** if a Title IV-D agency, authorized under the
34 federal Social Security Act (42 U.S.C. 651 through 669) and
35 IC 31-25-4-17, petitions for the modification and the coverage is

36 ~~(1) available to the parent ordered to pay child support or the~~
37 ~~dependents of the parent as part of the parent's employee benefit~~
38 ~~plan; or~~

39 ~~(2) available to the parent at a reasonable cost. to the parent~~
40 ~~ordered to pay child support.~~

41 SECTION 34. IC 31-16-12-9, AS AMENDED BY P.L.145-2006,
42 SECTION 236, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2010]: Sec. 9. If a court finds that a person who holds a license issued under IC 4-31-6, ~~or~~ IC 4-33, **or IC 4-35** is delinquent (as defined in IC 31-25-4-2) as a result of an intentional violation of an order for child support, the court shall issue an order to:

- (1) the Indiana horse racing commission if the person holds a license issued under IC 4-31-6; or
- (2) the Indiana gaming commission if the person holds a license issued under IC 4-33 **or IC 4-35;**

requiring that the person's license be suspended until further order of the court.

SECTION 35. IC 31-16-12-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 13. If a court finds that a person who holds or has applied for an employee's permit issued under IC 7.1-3-18-9(a)(3) is delinquent (as defined in IC 31-25-4-2) as a result of an intentional violation of an order for child support, the court shall issue an order to the alcohol and tobacco commission that:**

- (1) requires the person's employee's permit be suspended until further order of the court;**
- (2) orders the chairman of the alcohol and tobacco commission not to issue an employee's permit to the person who is the subject of the order if the person does not currently hold an employee's permit; or**
- (3) orders the chairman of the alcohol and tobacco commission not to renew the employee's permit of the person who is the subject of the order.**

SECTION 36. IC 31-16-12-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 14. (a) Except as otherwise provided in subsection (b), in any subsequent child support enforcement action between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of the party by a prosecuting attorney, private attorney, or private entity operating under an agreement or contract described in IC 31-25-4-13.1, the court or administrative agency with jurisdiction shall deem state due process requirements for notice and service of process to be met with respect to the party required to provide notice, upon mailing of written notice to the other party at the most recent residential or employer address that is filed with the clerk or state central collection unit.**

(b) IC 34-47-4 applies to service of an order directing an obligor

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1 **to appear in a contempt proceeding.**

2 SECTION 37. IC 31-16-15-0.3 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2010]: **Sec. 0.3. This chapter applies to child**
5 **support ordered in any proceeding, including a dissolution of**
6 **marriage and a paternity action.**

7 SECTION 38. IC 31-16-15-0.5, AS ADDED BY P.L.103-2007,
8 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2010]: Sec. 0.5. (a) Except as provided in subsection (c), in
10 any ~~Title IV-D~~ proceeding in which a court has ordered, modified, or
11 enforced periodic payments of child support, the court shall ~~order~~
12 **include a provision ordering** that child support payments be
13 immediately withheld from the income of the obligor in an amount
14 necessary to comply with the support order, including amounts for
15 current child support obligations, child support arrearage, medical
16 support, interest, and fees.

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

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

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

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

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

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

33 (B) The obligor has a history of substantially uninterrupted,
34 full, and timely child support payments, other than payments
35 made through an income withholding order or another
36 mandatory process of previously ordered child support, during
37 the previous twelve (12) months.

38 (C) The court issues a written finding that an income
39 withholding order would cause an extraordinary hardship on
40 the obligor.

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

42 (A) meets the requirements under subsection (d); ~~and~~

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- 1 (B) is approved by the court; **and**
 2 **(C) is entered into the record of the court.**
 3 (d) A written agreement described in subsection (c)(2) must meet
 4 the following requirements:
 5 (1) Contain the following:
 6 (A) A statement that an income withholding order is not
 7 implemented immediately but that an income withholding
 8 order will be implemented if the:
 9 (i) obligor's child support and arrearage payments become
 10 delinquent; or
 11 (ii) obligor requests implementation of the income
 12 withholding order.
 13 (B) A detailed description of an alternative payment
 14 arrangement between the parties to ensure the timely payment
 15 of child support.
 16 (2) Contain a provision that the obligor shall provide current
 17 information to the court concerning the following:
 18 (A) The name, address, and telephone number of the obligor's
 19 place of employment.
 20 (B) Any health coverage available to the obligor as a benefit
 21 of employment or maintained by the obligor, including
 22 information on the:
 23 (i) name of the carrier (as defined in IC 27-8-10-1);
 24 (ii) health insurance policy, certificate, or contract number;
 25 and
 26 (iii) if applicable, names and birth dates of the persons for
 27 whose benefit the obligor maintains health coverage under
 28 the health insurance policy, certificate, or contract.
 29 (e) If possible, the court shall specify the date on which a stay of
 30 implementation of the income withholding order terminates
 31 automatically.
 32 (f) In Title IV-D cases in which periodic payments of child support
 33 are ordered, modified, or enforced, the court shall order the obligor to
 34 inform the Title IV-D agency of the:
 35 (1) name and address of the obligor's current income payor;
 36 (2) obligor's access to health insurance coverage; and
 37 (3) if applicable, obligor's health insurance policy information.
 38 SECTION 39. IC 31-16-15-2.7, AS ADDED BY P.L.103-2007,
 39 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2010]: Sec. 2.7. (a) The bureau shall:
 41 (1) prescribe standard forms for:
 42 (A) an income withholding order; and

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- 1 (B) a notice form; and
 2 (2) make the forms listed in subdivision (1) available to:
 3 (A) a court;
 4 (B) a private attorney;
 5 (C) an obligor; and
 6 (D) an obligee.
 7 (b) An income withholding order under this chapter must be issued
 8 in a form substantially similar to the form prescribed under subsection
 9 (a)(1)(A).
 10 (c) **An income withholding order form under subsection**
 11 **(a)(1)(A) must contain the following:**
 12 (1) **The amount of income to be withheld.**
 13 (2) **A statement that the total amount of income to be withheld**
 14 **is the sum of the following:**
 15 (A) **The obligor's current child support obligation.**
 16 (B) **The amount of any child support arrearage ordered by**
 17 **the court.**
 18 (C) **An additional amount as determined under section**
 19 **2.5(f) of this chapter for:**
 20 (i) **any arrearage that has not been adjudicated, if no**
 21 **arrearage has been adjudicated previously; or**
 22 (ii) **any additional arrearage that has not been**
 23 **adjudicated and accrues since the last adjudication of**
 24 **arrearage by the court.**
 25 (D) **A fee of two dollars (\$2) that must be paid at the**
 26 **income payor's option to the income payor each time the**
 27 **income payor forwards income to the state central**
 28 **collection unit.**
 29 (3) **A statement that the total amount withheld under the**
 30 **income withholding order plus the fee under subdivision**
 31 **(2)(D) may not exceed the maximum amount permitted under**
 32 **15 U.S.C. 1673(b).**
 33 (4) **A statement that an income payor shall:**
 34 (A) **begin withholding income not later than the first pay**
 35 **date after fourteen (14) days following the date the income**
 36 **withholding order is received by the income payor; and**
 37 (B) **report to the state central collection unit the date on**
 38 **which the income was withheld from the obligor's income.**
 39 (5) **A statement that if an income payor is required to**
 40 **withhold income from more than one (1) obligor, the income**
 41 **payor may combine the withheld amount of income into a**
 42 **single payment for all obligors who are required to make**

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1 payments to the state central collection unit if the income
2 payor identifies the part of the single payment that is
3 attributable to each individual obligor.

4 **(6) A statement that if the obligor has:**

5 **(A) more than one (1) income withholding order against**
6 **the obligor; and**

7 **(B) insufficient disposable earnings to pay the amount of**
8 **income withholding for all income withholding orders;**
9 **an income payor shall honor all withholdings to the extent**
10 **that the total amount withheld does not exceed limits imposed**
11 **under 15 U.S.C. 1673(b).**

12 **(7) A statement that the income payor shall distribute the**
13 **withheld income pro rata among the persons entitled to**
14 **receive income under the income withholding orders, giving**
15 **priority to orders for current child support.**

16 **(8) A statement that the income payor may not distribute**
17 **income as described under subdivision (7) in a manner that**
18 **would result in one (1) of the current child support obligations**
19 **not being honored.**

20 **(9) A statement that the income payor shall forward the**
21 **amount withheld for current support and any arrears to the**
22 **state central collection unit with a statement identifying the:**

23 **(A) cause number for the obligee;**

24 **(B) name of the obligor;**

25 **(C) name of the obligee with the applicable income**
26 **withheld for each obligee forwarded from the income**
27 **payor;**

28 **(D) Social Security number of each obligee; and**

29 **(E) Indiana support enforcement tracking system (ISETS)**
30 **number for each obligee.**

31 **(10) A statement that the income withholding order is binding**
32 **upon the income payor until further notice by the Title IV-D**
33 **agency.**

34 **(11) A statement that if an income payor:**

35 **(A) discharges the obligor from employment;**

36 **(B) refuses to employ the obligor;**

37 **(C) takes disciplinary action against the obligor employed**
38 **by the income payor; or**

39 **(D) otherwise discriminates against the obligor;**

40 **because of the existence of an income withholding order or the**
41 **obligations imposed upon the income payor by the income**
42 **withholding order, the income payor is subject to a penalty of**

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not more than five thousand dollars (\$5,000) payable to the state and recoverable in a civil action.

(12) A statement that if an income payor fails to withhold income in accordance with the income withholding order, the income payor is liable for:

(A) the accumulated amount the income payor should have withheld from the obligor's income; and

(B) any interest, attorney's fees, and costs.

(13) A statement that 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.

(14) A statement that an income payor must:

(A) 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

(B) provide the obligor's last known address and the name and address of the obligor's new income payor, if known, to the Title IV-D agency.

SECTION 40. IC 31-16-15-4.5, AS AMENDED BY P.L.103-2007, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4.5. (a) The bureau shall send notice to an employer, using the National Medical Support Notice described in 45 CFR ~~303.3~~, **303.32**, that:

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

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

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

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

(2) **transfer the National Medical Support Notice to the employer's health insurance plan within twenty (20) days after the date of the National Medical Support Notice; and**

(3) abide by the terms of establishing insurance coverage as required by the notice.

SECTION 41. IC 31-16-15-7.5, AS ADDED BY P.L.103-2007, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7.5. (a) An income payor that is required to withhold income under this chapter shall:

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- 1 (1) forward income withheld for the payment of current or past
- 2 due child support as directed by an income withholding order to
- 3 the state central collection unit at the time that an obligor is paid;
- 4 (2) include a statement that identifies the:
 - 5 (A) cause number for each obligee;
 - 6 (B) Indiana support enforcement tracking system (ISETS) case
 - 7 number for each obligee;
 - 8 (C) name of each obligor and the obligor's Social Security
 - 9 number; ~~and~~
 - 10 (D) name of each obligee with the amount of the withheld
 - 11 income forwarded by the income payor; and
 - 12 **(E) date on which the amount was withheld from the**
 - 13 **obligor's income; and**
- 14 (3) begin withholding income not later than the first pay date after
- 15 fourteen (14) days following the date the order for income
- 16 withholding is received by the income payor.

17 (b) An income payor may retain, in addition to the amount of
 18 income forwarded to the state central collection unit, a fee of not more
 19 than two dollars (\$2) each time the income payor forwards income to
 20 the state central collection unit. If an income payor retains a fee under
 21 this subsection, the income payor shall reduce the amount of income
 22 withheld for the payment of current and past due child support, if
 23 necessary to avoid exceeding the maximum amount permitted to be
 24 withheld under 15 U.S.C. 1673(b).

25 SECTION 42. IC 31-16-15-17, AS AMENDED BY P.L.103-2007,
 26 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2010]: Sec. 17. **(a)** If

- 28 ~~(1)~~ there is more than one (1) order for withholding against a
- 29 single obligor under this chapter and
- 30 ~~(2)~~ the obligor has insufficient disposable earnings to pay the
- 31 amount required by all the orders, the income payor shall:
- 32 ~~distribute the withheld earnings pro rata among the persons~~
- 33 ~~entitled to receive earnings under the orders and shall~~
- 34 **(1) honor all withholdings to the extent that the total amount**
- 35 **withheld does not exceed the limits imposed under 15 U.S.C.**
- 36 **1673(b); and**
- 37 **(2) distribute the withheld income pro rata among the persons**
- 38 **entitled to receive income under the income withholding**
- 39 **orders, giving priority to orders for current child support.**

40 **(b) The income payor may not distribute income under**
 41 **subsection (a) in a manner that would result in one (1) of the**
 42 **current child support obligations not being honored.**

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1 SECTION 43. IC 31-16-15-23.5 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2010]: **Sec. 23.5. An income payor is not**
 4 **required to vary the income payor's normal pay and distribution**
 5 **cycles in order to comply with this chapter.**

6 SECTION 44. IC 31-16-15-23.7 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2010]: **Sec. 23.7. An income payor is not**
 9 **subject to civil liability for income withheld and paid to an obligee,**
 10 **the Title IV-D agency, or a state central collection unit in**
 11 **accordance with an income withholding order that appears regular**
 12 **on its face.**

13 SECTION 45. IC 31-17-2-21.3 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2010]: **Sec. 21.3. (a) A court may not consider**
 16 **a parent's absence or relocation due to active duty service as a**
 17 **factor in determining custody or permanently modifying a child**
 18 **custody order.**

19 **(b) If a court temporarily modifies a custody order due to a**
 20 **parent's active duty service, the order temporarily modifying the**
 21 **custody order terminates automatically not later than ten (10) days**
 22 **after the date the parent notifies the temporary custodian in**
 23 **writing that the parent has returned from active duty service. This**
 24 **subsection does not prevent a court from modifying a child custody**
 25 **order as provided under this article after a parent returns from**
 26 **active duty service.**

27 SECTION 46. IC 31-25-3-2, AS ADDED BY P.L.145-2006,
 28 SECTION 271, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2010]: **Sec. 2. (a) The bureau shall operate the**
 30 **state parent locator service. The bureau shall make all necessary**
 31 **requests and responses to the federal parent locator service and to the**
 32 **parent locator services of the other states.**

33 **(b) To carry out the bureau's responsibilities under this chapter,**
 34 **the bureau or a prosecuting attorney, private attorney, or private**
 35 **entity operating under an agreement or contract described in**
 36 **IC 31-25-4-13.1 shall, subject to policies adopted by the**
 37 **superintendent of the state police department concerning the**
 38 **disclosure of law enforcement records, be granted access to**
 39 **information that is contained in an information system used by the**
 40 **state to locate an individual for purposes relating to motor vehicles**
 41 **or law enforcement.**

42 ~~(b)~~ **(c) To carry out the bureau's responsibilities under this chapter,**

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1 the bureau, through the parent locator service, may request information
 2 and assistance from a state, county, city, or town agency. Officers and
 3 employees of a state, county, city, or town agency shall cooperate with
 4 the bureau in determining the location of a parent who:

- 5 (1) owes child support; or
- 6 (2) has abandoned or deserted a child;

7 by providing the pertinent information relative to the location, income,
 8 and property of the parent, notwithstanding any other statute making
 9 the information confidential.

10 ~~(c)~~ (d) Notwithstanding any other statute making the information
 11 confidential, each person doing business in Indiana shall provide the
 12 bureau or an agent of the bureau with the following information, if
 13 available, upon receipt of the certification described in subsection ~~(d)~~:

14 (e):

- 15 (1) Full name of the parent.
- 16 (2) Social Security number of the parent.
- 17 (3) Date of birth of the parent.
- 18 (4) Address of the parent's residence.
- 19 (5) Amount of wages earned by the parent.
- 20 (6) Number of dependents claimed by the parent on state and
 21 federal tax withholding forms.
- 22 (7) Name and address of the parent's employer.
- 23 (8) Name and address of any financial institution maintaining an
 24 account for the parent.
- 25 (9) Address of any real property owned by the parent.
- 26 (10) Name and address of the parent's health insurance carrier and
 27 health coverage policy number.

28 ~~(d)~~ (e) The parent locator service shall certify that the information
 29 requested in subsection ~~(c)~~ (d) is for the purpose of locating a parent
 30 who owes child support or who has abandoned a child and that the
 31 information obtained is to be treated as confidential by the bureau and
 32 any other state to which the information is released.

33 ~~(c)~~ (f) A business in Indiana and each unit of state and local
 34 government shall comply with an administrative subpoena issued by a
 35 Title IV-D agency in another jurisdiction. The information requested
 36 may not be provided unless the Title IV-D agency of the other
 37 jurisdiction certifies that the information will be treated as confidential.
 38 The business or unit of government shall provide the Title IV-D agency
 39 of the other jurisdiction with the information listed in subsection ~~(c)~~;
 40 (d), if available, if requested in the subpoena, upon certification by the
 41 Title IV-D agency of the other jurisdiction that the information is for
 42 the purpose of locating a parent who owes child support or who has

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1 abandoned or deserted a child.

2 ~~(f)~~ (g) A person may not knowingly refuse to give the bureau, the

3 bureau's agents, or the Title IV-D agency of another jurisdiction the

4 following:

5 (1) The name of a parent of a child for whom the state is

6 providing public assistance.

7 (2) Information that may assist the parent locator service or other

8 jurisdiction in locating the parent of a child.

9 ~~(g)~~ (h) Information obtained under this section may not be used in

10 a criminal prosecution against the informant.

11 ~~(h)~~ (i) A person may not knowingly give the bureau or the Title

12 IV-D agency of another jurisdiction the incorrect name of a parent of

13 a child or knowingly give the parent locator service incorrect

14 information on the parent's whereabouts for the purpose of concealing

15 the identity of the real parent of the child or the location of the parent.

16 SECTION 47. IC 31-25-3-4 IS ADDED TO THE INDIANA CODE

17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

18 1, 2010]: **Sec. 4. (a) Notwithstanding any other law, the bureau or**

19 **a prosecuting attorney, private attorney, or private entity that is**

20 **operating under an agreement or contract described in**

21 **IC 31-25-4-13.1 is entitled to obtain access, at no cost to the bureau**

22 **or the prosecuting attorney, private attorney, or private entity that**

23 **is operating under an agreement or contract described in**

24 **IC 31-25-4-13.1, to the following records from the following**

25 **agencies or entities:**

26 (1) The following records of state and local agencies:

27 (A) Records of birth, marriage, and death.

28 (B) Tax and revenue records, including information

29 related to residence addresses, employers, and assets.

30 (C) Records concerning real and titled personal property.

31 (D) Records of occupational, professional, and recreational

32 licenses or permits.

33 (E) Records concerning the ownership and control of

34 corporations, partnerships, and other business entities.

35 (F) Employment security records.

36 (G) Records of agencies administering public assistance

37 programs.

38 (H) Records of the bureau of motor vehicles.

39 (I) Records of:

40 (i) the department of correction; and

41 (ii) county and municipal correction or confinement

42 facilities.

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(2) Subject to subsection (d), records of public utilities and cable television companies that relate to persons who owe or are owed support, or against whom a support obligation is sought, including:

- (A) the person's name and address; and
- (B) the name and address of the person's employer.

(3) Records held by financial institutions as provided under IC 31-25-4-31.

(4) Subject to policies adopted by the superintendent of the state police department concerning the disclosure of law enforcement records, any other records of a state or local agency.

(b) Upon the request of the bureau or a prosecuting attorney, private attorney, or private entity that is operating under an agreement or contract described in IC 31-25-4-13.1, an employer shall provide information related to the employment, earnings, benefits, and residential address and phone number of any employee.

(c) An agency or entity that possesses records described in subsection (a)(1) and (a)(3) shall provide information and records upon the request of the bureau or a prosecuting attorney, private attorney, or private entity that is operating under an agreement or contract under IC 31-25-4-13.1. Information described in this subsection shall be provided in response to a subpoena, or the bureau may enter into agreements to provide for electronic access to these records.

(d) An entity listed subsection (a)(2) shall provide the information only in response to a judicial or administrative subpoena issued by the bureau.

(e) An agency or entity described under subsection (a) that provides information under a request or subpoena under this section is not liable for disclosing information under the request or subpoena.

(f) All information received under this section is confidential. The bureau may disclose this information only as provided under IC 31-25-4-21.

SECTION 48. IC 31-25-4-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 8.5.** In addition to the duties imposed by sections 7 and 8 of this chapter, the bureau shall do the following:

- (1) Share data regarding obligors who are delinquent with:

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- 1 (A) a licensed owner, operating agent, and trustee in
- 2 accordance with IC 4-33-4-27;
- 3 (B) a permit holder and trustee in accordance with
- 4 IC 4-35-4-16; and
- 5 (C) the state lottery commission;
- 6 to allow for the interception of cash winnings and prizes from
- 7 the obligors.
- 8 **(2) Distribute money collected from the persons described in**
- 9 **subdivision (1) according to federal child support laws and**
- 10 **regulations.**
- 11 SECTION 49. IC 31-25-4-17, AS AMENDED BY P.L.103-2007,
- 12 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2010]: Sec. 17. (a) The bureau shall do the following:
- 14 (1) Collect support payments when the payments have been
- 15 assigned to the state by the application for assistance under Title
- 16 IV-A.
- 17 (2) Assist in obtaining a support order, including an order for
- 18 health insurance coverage under:
- 19 (A) IC 27-8-23;
- 20 (B) IC 31-14-11-3; or
- 21 (C) IC 31-16-6-4;
- 22 when there is no existing order and assistance is sought.
- 23 (3) Assist mothers of children born out of wedlock in establishing
- 24 paternity and obtaining a support order, including an order for
- 25 health insurance coverage under IC 27-8-23, when the mother has
- 26 applied for assistance.
- 27 (4) Implement income withholding in any Title IV-D case:
- 28 (A) with an arrearage; and
- 29 (B) without an order issued by a court or an administrative
- 30 agency.
- 31 (5) Enforce intrastate and interstate support orders using high
- 32 volume automated enforcement features.
- 33 (6) Use a simplified procedure for the review and adjustment of
- 34 support orders as set forth in 42 U.S.C. 666(a)(10).
- 35 **(7) In any Title IV-D case, petition:**
- 36 **(A) a court to:**
- 37 **(i) establish paternity for a child born out of wedlock;**
- 38 **and**
- 39 **(ii) establish a support order, including an order for**
- 40 **health insurance coverage under IC 27-8-23,**
- 41 **IC 31-14-11-3, or IC 31-16-6-4; and**
- 42 **(B) a court to establish or modify a support order,**

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including an order for health insurance coverage under IC 27-8-23, IC 31-14-11-3, or IC 31-16-6-4, if:
(i) there is no existing support order; or
(ii) the existing order does not include a provision for private health insurance.

(b) Whenever the bureau collects support payments on behalf of an individual who is no longer a member of a household that receives Title IV-A cash payments, the collected support payments (except collections made through a federal tax refund offset) shall be promptly distributed in the following order:

- (1) Payment to the recipient of the court ordered support obligation for the month that the support payment is received.
- (2) Payment to the recipient of the support payment arrearages that have accrued during any period when the recipient was not a member of a household receiving Title IV-A assistance.
- (3) Payment to the state in an amount not to exceed the lesser of:
 - (A) the total amount of past public assistance paid to the recipient's family; or
 - (B) the amount assigned to the state by the recipient under IC 12-14-7-1.
- (4) Payment of support payment arrearages owed to the recipient.
- (5) Payment of any other support payments payable to the recipient.

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

- (1) To the state, an amount not to exceed the lesser of:
 - (A) the total amount of past public assistance paid to the individual's family; or
 - (B) the amount assigned to the state by the individual under IC 12-14-7-1.
- (2) To the individual, any amounts remaining after the distribution under subdivision (1).

(d) Except as provided in section 19.5 of this chapter, whenever the bureau collects a child support payment from any source on behalf of an individual who has never received Title IV-A assistance, the bureau shall forward all money collected to the individual.

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

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- 1 (1) To the state, an amount not to exceed the lesser of:
- 2 (A) the total amount of past public assistance paid to the
- 3 individual's family; or
- 4 (B) the amount assigned to the state by the individual under
- 5 IC 12-14-7-1.
- 6 (2) To the individual, any amounts remaining after the
- 7 distribution under subdivision (1).
- 8 (f) Unless otherwise required by federal law, not more than
- 9 seventy-five (75) days after a written request by a recipient, the bureau
- 10 shall provide an accounting report to the recipient that identifies the
- 11 bureau's claim to a child support payment or arrearage.
- 12 (g) The bureau, the department of child services, and the department
- 13 of state revenue may not charge a custodial parent a fee to seek or
- 14 receive a payment through a federal tax refund offset as described in
- 15 subsection (c).
- 16 SECTION 50. IC 31-25-4-32, AS AMENDED BY P.L.131-2009,
- 17 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2010]: Sec. 32. (a) When the Title IV-D agency finds that an
- 19 obligor is delinquent, the Title IV-D agency shall send, to a verified
- 20 address, a notice to the obligor that does the following:
- 21 (1) Specifies that the obligor is delinquent.
- 22 (2) Describes the amount of child support that the obligor is in
- 23 arrears.
- 24 (3) States that unless the obligor:
- 25 (A) pays the obligor's child support arrearage in full;
- 26 (B) establishes a payment plan with the Title IV-D agency to
- 27 pay the arrearage, which includes an income withholding
- 28 order; or
- 29 (C) requests a hearing under section 33 of this chapter;
- 30 within twenty (20) days after the date the notice is mailed, the
- 31 Title IV-D agency shall issue an order to the bureau of motor
- 32 vehicles stating that the obligor is delinquent and that the
- 33 obligor's driving privileges shall be suspended.
- 34 (4) Explains that the obligor has twenty (20) days after the notice
- 35 is mailed to do one (1) of the following:
- 36 (A) Pay the obligor's child support arrearage in full.
- 37 (B) Establish a payment plan with the Title IV-D agency to
- 38 pay the arrearage, which includes an income withholding order
- 39 under IC 31-16-15-2 or IC 31-16-15-2.5.
- 40 (C) Request a hearing under section 33 of this chapter.
- 41 (5) Explains that if the obligor has not satisfied any of the
- 42 requirements of subdivision (4) within twenty (20) days after the

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- 1 notice is mailed, that the Title IV-D agency shall issue a notice to:
- 2 (A) the board or department that regulates the obligor's
- 3 profession or occupation, if any, that the obligor is delinquent
- 4 and that the obligor may be subject to sanctions under
- 5 IC 25-1-1.2, including suspension or revocation of the
- 6 obligor's professional or occupational license;
- 7 (B) the supreme court disciplinary commission if the obligor
- 8 is licensed to practice law;
- 9 (C) the department of education established by IC 20-19-3-1
- 10 if the obligor is a licensed teacher;
- 11 (D) the Indiana horse racing commission if the obligor holds
- 12 or applies for a license issued under IC 4-31-6;
- 13 (E) the Indiana gaming commission if the obligor holds or
- 14 applies for a license issued under IC 4-33 **and IC 4-35**;
- 15 (F) the commissioner of the department of insurance if the
- 16 obligor holds or is an applicant for a license issued under
- 17 IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3; ~~or~~
- 18 (G) the director of the department of natural resources if the
- 19 obligor holds or is an applicant for a license issued by the
- 20 department of natural resources under: ~~the following~~:
- 21 (i) IC 14-22-12 (fishing, hunting, and trapping licenses);
- 22 (ii) IC 14-22-14 (Lake Michigan commercial fishing
- 23 license);
- 24 (iii) IC 14-22-16 (bait dealer's license);
- 25 (iv) IC 14-22-17 (mussel license);
- 26 (v) IC 14-22-19 (fur buyer's license);
- 27 (vi) IC 14-24-7 (nursery dealer's license); **or**
- 28 (vii) IC 14-31-3 (ginseng dealer's license); **or**
- 29 **(H) the alcohol and tobacco commission if the obligor holds**
- 30 **or applies for an employee's permit under**
- 31 **IC 7.1-3-18-9(a)(3).**
- 32 (6) Explains that the only basis for contesting the issuance of an
- 33 order under subdivision (3) or (5) is a mistake of fact.
- 34 (7) Explains that an obligor may contest the Title IV-D agency's
- 35 determination to issue an order under subdivision (3) or (5) by
- 36 making written application to the Title IV-D agency within twenty
- 37 (20) days after the date the notice is mailed.
- 38 (8) Explains the procedures to:
- 39 (A) pay the obligor's child support arrearage in full; and
- 40 (B) establish a payment plan with the Title IV-D agency to pay
- 41 the arrearage, which must include an income withholding
- 42 order under IC 31-16-15-2 or IC 31-16-15-2.5.

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1 (b) Whenever the Title IV-D agency finds that an obligor is
 2 delinquent and has failed to:
 3 (1) pay the obligor's child support arrearage in full;
 4 (2) establish a payment plan with the Title IV-D agency to pay the
 5 arrearage, which includes an income withholding order under
 6 IC 31-16-15-2 or IC 31-16-15-2.5; or
 7 (3) request a hearing under section 33 of this chapter within
 8 twenty (20) days after the date the notice described in subsection
 9 (a) is mailed;
 10 the Title IV-D agency shall issue an order to the bureau of motor
 11 vehicles stating that the obligor is delinquent.
 12 (c) An order issued under subsection (b) must require the following:
 13 (1) If the obligor who is the subject of the order holds a driving
 14 license or permit on the date the order is issued, that the driving
 15 privileges of the obligor be suspended until further order of the
 16 Title IV-D agency.
 17 (2) If the obligor who is the subject of the order does not hold a
 18 driving license or permit on the date the order is issued, that the
 19 bureau of motor vehicles may not issue a driving license or permit
 20 to the obligor until the bureau of motor vehicles receives a further
 21 order from the Title IV-D agency.
 22 (d) The Title IV-D agency shall provide the:
 23 (1) full name;
 24 (2) date of birth;
 25 (3) verified address; and
 26 (4) Social Security number or driving license number;
 27 of the obligor to the bureau of motor vehicles.
 28 (e) Whenever the Title IV-D agency finds that an obligor who is an
 29 applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in
 30 IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed
 31 to:
 32 (1) pay the obligor's child support arrearage in full;
 33 (2) establish a payment plan with the Title IV-D agency to pay the
 34 arrearage, which includes an income withholding order under
 35 IC 31-16-15-2 or IC 31-16-15-2.5; or
 36 (3) request a hearing under section 33 of this chapter;
 37 the Title IV-D agency shall issue an order to the board regulating the
 38 practice of the obligor's profession or occupation stating that the
 39 obligor is delinquent.
 40 (f) An order issued under subsection (e) must direct the board or
 41 department regulating the obligor's profession or occupation to impose
 42 the appropriate sanctions described under IC 25-1-1.2.

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1 (g) Whenever the Title IV-D agency finds that an obligor who is an
2 attorney or a licensed teacher is delinquent and the attorney or licensed
3 teacher has failed to:

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

9 the Title IV-D agency shall notify the supreme court disciplinary
10 commission if the obligor is an attorney, or the department of education
11 if the obligor is a licensed teacher, that the obligor is delinquent.

12 (h) Whenever the Title IV-D agency finds that an obligor who holds
13 a license issued under IC 4-31-6, ~~or~~ IC 4-33, **or IC 4-35** has failed to:

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

19 the Title IV-D agency shall issue an order to the Indiana horse racing
20 commission if the obligor holds a license issued under IC 4-31-6, or to
21 the Indiana gaming commission if the obligor holds a license issued
22 under IC 4-33 **or IC 4-35**, stating that the obligor is delinquent and
23 directing the commission to impose the appropriate sanctions described
24 in IC 4-31-6-11, ~~or~~ IC 4-33-8.5-3, **or IC 4-35-6.7-2.**

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

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

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

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

- 41 (1) pay the obligor's child support arrearage in full;
- 42 (2) establish a payment plan with the Title IV-D agency to pay the

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1 arrearage, which includes an income withholding order under
2 IC 31-16-15-2 or IC 31-16-15-2.5; or

3 (3) request a hearing under section 33 of this chapter;

4 the Title IV-D agency shall issue an order to the director of the
5 department of natural resources stating that the obligor is delinquent
6 and directing the director to suspend or revoke a license issued to the
7 obligor by the department of natural resources as provided in
8 IC 14-11-3.

9 **(k) If the Title IV-D agency finds that an obligor who holds an**
10 **employee's permit issued under IC 7.1-3-18-9(a)(3) has failed to:**

11 **(1) pay the obligor's child support arrearage in full;**

12 **(2) establish a payment plan with the Title IV-D agency to pay**
13 **the arrearage, which includes an income withholding order**
14 **under IC 31-16-15-2 or IC 31-16-15-2.5; or**

15 **(3) request a hearing under section 33 of this chapter;**

16 **the Title IV-D agency shall issue an order to the alcohol and**
17 **tobacco commission stating that the obligor is delinquent and**
18 **directing the alcohol and tobacco commission to impose the**
19 **appropriate sanctions under IC 7.1-3-23-44.**

20 **(l) A person's most recent address on file with the bureau**
21 **constitutes a verified address for purposes of this section.**

22 SECTION 51. IC 31-25-4-34, AS ADDED BY P.L.145-2006,
23 SECTION 271, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2010]: Sec. 34. (a) As used in this section,
25 "board" has the meaning set forth in IC 25-1-1.2-2.

26 (b) If an obligor holds a license issued by a board and requests a
27 hearing under section 33 of this chapter but fails to appear or appears
28 and is found to be delinquent, the Title IV-D agency shall issue an
29 order to the board that issued the obligor's license:

30 (1) stating that the obligor is delinquent; and

31 (2) requiring the board to comply with the actions required under
32 IC 25-1-1.2-8(b).

33 (c) If an obligor holds a license issued under IC 4-31-6, ~~or~~ IC 4-33,
34 **or IC 4-35** and requests a hearing under section 33 of this chapter but
35 fails to appear or appears and is found to be delinquent, the Title IV-D
36 agency shall issue an order to the:

37 (1) Indiana horse racing commission, if the obligor holds a license
38 issued under IC 4-31-6; or

39 (2) Indiana gaming commission, if the obligor holds a license
40 issued under IC 4-33 **or IC 4-35;**

41 stating that the obligor is delinquent and requiring the commission to
42 comply with the actions required under IC 4-31-6-11, ~~or~~ IC 4-33-8.5-3,

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or IC 4-35-6.7-2.

(d) If an obligor holds a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 and requests a hearing under section 33 of this chapter but fails to appear or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the commissioner of the department of insurance:

- (1) stating that the obligor is delinquent; and
- (2) requiring the commissioner to comply with the actions required under IC 27-1-15.6-29 or IC 27-10-3-20.

(e) If an obligor holds a license issued by the department of natural resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 and requests a hearing under section 33 of this chapter but fails to appear, or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the director of the department of natural resources:

- (1) stating that the obligor is delinquent; and
- (2) requiring the director to suspend or revoke a license issued by the department as provided in IC 14-11-3.

(f) If an obligor:

(1) holds an employee's permit issued under IC 7.1-3-18-9(a)(3); and

(2) requests a hearing under section 33 of this chapter but fails to appear or appears and is found to be delinquent;

the Title IV-D agency shall issue an order to the alcohol and tobacco commission stating that the obligor is delinquent and requiring the commission to impose the appropriate sanctions under IC 7.1-3-23-44.

SECTION 52. IC 32-17.5-8-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 2.5. (a) This section applies to a disclaimer of an interest in property by a disclaimant who is delinquent (as defined in IC 31-9-2-36(b)) before the disclaimer becomes effective.**

(b) A disclaimer of an interest in property is barred up to the amount of the disclaimant's child support arrearage.

SECTION 53. IC 34-30-2-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 6.5. IC 4-33-8.5-4 (Concerning persons holding licenses regarding riverboat gambling that make payments of cash winnings to obligors in violation of IC 4-33-4-27 or that act in compliance with IC 4-33-4-27).**

SECTION 54. IC 34-30-2-6.7 IS ADDED TO THE INDIANA

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2010]: **Sec. 6.7. IC 4-35-6.5-12 (Concerning**
3 **persons holding licenses regarding gambling games at racetracks**
4 **who make payments of cash winnings to obligors in violation of**
5 **IC 4-35-4-16 or who act in compliance with IC 4-35-4-16).**

6 SECTION 55. IC 34-30-2-133.1 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2010]: **Sec. 133.1. IC 31-16-15-23.7**
9 **(Concerning an income payor for withholding income paid to an**
10 **obligee, the Title IV-D agency, or the state central collection unit**
11 **in accordance with an income withholding order).**

12 SECTION 56. IC 34-30-2-133.8 IS ADDED TO THE INDIANA
13 CODE AS A NEW SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2010]: **Sec. 133.8. IC 31-25-3-4(e)**
15 **(Concerning agencies and entities that provide information under**
16 **requests or subpoenas from the child support bureau).**

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 163, 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 10, line 28, delete "shall" and insert "**may**".

Page 11, line 4, delete "A" and insert "**Except in a case in which the custodial parent of the dependent child qualifies for a good cause or other exception provided by statute or administrative rule, a**".

Page 11, line 4, after "cooperate" insert "**with the Title IV-D agency as required by IC 12-14-7-2, IC 12-14-7-3, or IC 12-14-2-24**".

Page 13, between lines 12 and 13, begin a new paragraph and insert:
"SECTION 20. IC 31-9-2-0.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 0.8. "Active duty", for purposes of IC 31-14-13-6.3 and IC 31-17-2-21.3, means full-time service in:**

(1) the armed forces of the United States (as defined in IC 5-9-4-3); or

(2) the National Guard (as defined in IC 5-9-4-4); for a period that exceeds thirty (30) consecutive days in a calendar year."

Page 14, after line 42, begin a new line blocked left and insert:
"**For purposes of subdivision (1), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's current residence and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's current residence and mailing address.**".

Page 16, between lines 3 and 4, begin a new paragraph and insert:
"SECTION 27. IC 31-14-13-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 6.3. A court may not consider a parent's absence or relocation due to active duty service as a factor in determining custody or permanently modifying a child custody order.**".

Page 16, line 7, delete "requires" and insert "**require**".

Page 17, between lines 21 and 22, begin a new line blocked left and insert:

"For purposes of subdivision (1), an individual certified as a program participant in the address confidentiality program under

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IC 5-26.5 is not required to provide the individual's current residence and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's current residence and mailing address."

Page 17, line 24, delete "A" and insert **"Except as provided in subsection (c), a"**.

Page 18, between lines 1 and 2, begin a new paragraph and insert:

"(c) A party who is an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's current residence and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal residence and mailing address."

Page 25, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 44. IC 31-17-2-21.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 21.3. A court may not consider a parent's absence or relocation due to active duty service as a factor in determining custody or permanently modifying a child custody order."

Page 25, line 39, delete "is entitled to have" and insert **"may be granted"**.

Page 25, line 39, delete "any".

Page 27, line 27, delete "All" and insert **"The following"**.

Page 27, line 27, delete ", including:" and insert ":".

Page 27, delete lines 28 through 42 and insert:

- "(A) Records of birth, marriage, and death.**
- (B) Tax and revenue records, including information related to residence addresses, employers, and assets.**
- (C) Records concerning real and titled personal property.**
- (D) Records of occupational, professional, and recreational licenses or permits.**
- (E) Records concerning the ownership and control of corporations, partnerships, and other business entities.**
- (F) Employment security records.**
- (G) Records of agencies administering public assistance programs.**
- (H) Records of the bureau of motor vehicles.**
- (I) Records of:**
 - (i) the department of correction; and**
 - (ii) county and municipal correction or confinement facilities."**

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Page 28, delete line 1.

Page 28, line 20, delete "The" and insert **"Information described in this subsection shall be provided in response to a subpoena, or the"**.

Page 36, between lines 21 and 22, begin a new paragraph and insert:
"SECTION 48. IC 32-17.5-8-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 2.5. (a) This section applies to a disclaimer of an interest in property by a disclaimant who is delinquent (as defined in IC 31-9-2-36(b)) before the disclaimer becomes effective.**

(b) A disclaimer of an interest in property is barred up to the amount of the disclaimant's child support arrearage."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 163 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 1.

SENATE MOTION

Madam President: I move that Senate Bill 163 be amended to read as follows:

Page 10, line 28, delete "The" and insert **"Subject to policies adopted by the superintendent concerning the disclosure of law enforcement records, the"**.

Page 10, line 28, delete "may" and insert **"shall"**.

Page 26, line 41, delete "may" and insert **"shall, subject to policies adopted by the superintendent of the state police department concerning the disclosure of law enforcement records,"**.

Page 28, line 27, after "IC 31-25-4-13.1," insert **"to"**.

Page 29, line 4, after "(d)" insert **","**.

Page 29, between lines 11 and 12, begin a new line block indented and insert:

"(4) Subject to policies adopted by the superintendent of the

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state police department concerning the disclosure of law enforcement records, any other records of a state or local agency."

(Reference is to SB 163 as printed January 20, 2010.)

BRAY

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 163, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 11, delete "of not more" and insert "**in the amount of the lesser of:**

- (A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or**
- (B) one hundred dollars (\$100); and".**

Page 1, delete line 12.

Page 2, between lines 18 and 19, begin a new paragraph and insert:

"(e) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (b)(1) have priority over any secured or unsecured claim on cash winnings except claims for federal or state taxes that are required to be withheld under federal or state law."

Page 3, line 21, delete "of not more" and insert "**in the amount of the lesser of:**

- (A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or**
- (B) one hundred dollars (\$100); and".**

Page 3, delete line 22.

Page 3, after line 42, begin a new paragraph and insert:

"(e) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (b)(1) have priority over any secured or unsecured claim on cash winnings except claims for federal or state taxes that are required to be withheld under federal or state law."

Page 10, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 15. IC 12-7-2-43.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 43.5. (a) "Cooperate", for

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purposes of IC 12-14-2-24, IC 12-14-7-2, and IC 12-14-7-3, includes, with regard to nonparent custodians or guardians, the following:

- (1) To appear at appointments, in person or by telephone, with a prosecuting attorney related to:
 - (A) establishing:
 - (i) paternity; or
 - (ii) an order for child support; or
 - (B) enforcing an order for child support.
- (2) To return telephone calls and respond to correspondence when requested by a prosecuting attorney.
- (3) To supply information, to the extent known by the nonparent custodian or guardian, for a prosecuting attorney to proceed with appropriate actions to:
 - (A) establish paternity of a dependent child;
 - (B) locate parents; or
 - (C) establish a child support order with respect to a child.
- (4) To appear at hearings regarding:
 - (A) establishment of paternity of a child or a child support order; or
 - (B) enforcement of a child support order;
 if attendance is necessary as determined by the prosecuting attorney.
- (b) Information under subsection (a)(3) includes:
 - (1) identification of potential fathers of a dependent child, if known and paternity has not been established; and
 - (2) the following information, if known, regarding any parent or potential parent of a dependent child:
 - (A) The full legal name and nicknames.
 - (B) The Social Security number.
 - (C) The current or last known address and phone number.
 - (D) The current or last known employer, including the name and address of the employer.
 - (E) If a student, the current or last known school.
 - (F) The criminal record, including where and when the parent or potential parent was incarcerated.
 - (G) The date of birth or age.
 - (H) The race.
 - (I) Any known group or organizational affiliations.
 - (J) The names and addresses of close friends or relatives.
 - (K) Any other information that the prosecuting attorney requests to help locate or identify a parent of a dependent

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child.

(L) A recent photograph."

Page 11, line 5, delete "custodial parent" and insert "**parent, custodian, or guardian**".

Page 11, line 7, delete " TANF recipient or" and insert "**parent, custodian, or guardian**".

Page 11, line 8, delete "applicant".

Page 11, line 36, strike "or".

Page 11, line 40, delete "." and insert "; **or**".

Page 11, between lines 40 and 41, begin a new line block indented and insert:

"(5) the dependent child is living in the family home of a relative other than the mother of the child as described under IC 12-14-1-1(a) and the relative provides proof, and the division agrees, that the physical health or safety of the mother, relative, or dependent child would be jeopardized if the relative complies with subsection (a)."

Page 12, line 5, delete "If" and insert "**Except as provided in subsection (b)(1), (b)(3), and (b)(5), if**".

Page 12, line 5, after "with a" insert "**nonparent**".

Page 12, line 5, after "the" insert "**nonparent**".

Page 12, line 6, after "shall" insert "**make a good faith effort to**".

Page 12, line 8, delete "the name and address of any man who may be the" and insert "**any information regarding the potential paternity of the child.**".

Page 12, delete line 9, begin a new paragraph and insert:

"(f) The nonparent custodian or guardian is presumed to make a good faith effort under subsection (e) if the nonparent custodian or guardian does one (1) or more of the following:

(1) Responds to telephone calls from a prosecuting attorney or correspondence from a prosecuting attorney.

(2) Appears for an appointment, in person or by telephone, with a prosecuting attorney.

(3) Appears at a court hearing when requested by a prosecuting attorney.

(4) Does one (1) or more of the following:

(A) Provides information described in IC 12-7-2-43.5(b), to the extent the information is known.

(B) Affirms that the information described in IC 12-7-2-43.5(b) is not known.

(g) Before making a determination that the nonparent custodian or guardian is not making a good faith effort to cooperate, the

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prosecuting attorney shall consider one (1) or more of the following:

- (1) Whether the nonparent custodian or guardian could reasonably be expected to provide the information.
- (2) The age of the child for whom child support is being sought.
- (3) The circumstances surrounding the conception of the child.
- (4) The age and mental capacity of the nonparent custodian or guardian.
- (5) The time that has expired since the nonparent custodian or guardian has last had contact with:
 - (A) the alleged father of the child;
 - (B) a parent of the child; or
 - (C) a relative of the persons listed in clause (A) or (B).
- (6) Any credible information that demonstrates an inability to provide correct information about an alleged father or a parent of the child because of deception by the alleged father or parent.
- (7) Any other credible information obtained by the prosecuting attorney that demonstrates the nonparent custodian or guardian has knowledge of the information sought by the prosecuting attorney."

Page 12, line 18, after "with a" insert "**nonparent**".

Page 12, line 18, after "the" insert "**nonparent**".

Page 12, line 19, after "shall" insert "**make a good faith effort to**".

Page 12, between lines 22 and 23, begin a new paragraph and insert:
"(c) The nonparent custodian or guardian is presumed to make a good faith effort under subsection (b) if the nonparent custodian or guardian does one (1) or more of the following:

- (1) Responds to telephone calls from a prosecuting attorney or correspondence from a prosecuting attorney.
- (2) Appears for an appointment, in person or by telephone, with a prosecuting attorney.
- (3) Appears at a court hearing when requested by a prosecuting attorney.
- (4) Does one (1) or more of the following:
 - (A) Provides information described in IC 12-7-2-43.5(b), to the extent the information is known.
 - (B) Affirms that the information described in IC 12-7-2-43.5(b) is not known.
- (d) Before making a determination that the nonparent custodian

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or guardian is not making a good faith effort to cooperate, the prosecuting attorney shall consider one (1) or more of the following:

- (1) Whether the nonparent custodian or guardian could reasonably be expected to provide the information.
- (2) The age of the child for whom child support is being sought.
- (3) The circumstances surrounding the conception of the child.
- (4) The age and mental capacity of the nonparent custodian or guardian.
- (5) The time that has expired since the nonparent custodian or guardian has last had contact with:
 - (A) the alleged father of the child;
 - (B) a parent of the child; or
 - (C) a relative of the persons listed in clause (A) or (B).
- (6) Any credible information that demonstrates an inability to provide correct information about an alleged father or a parent of the child because of deception by the alleged father or parent.
- (7) Any other credible information obtained by the prosecutor that demonstrates the nonparent custodian or guardian has knowledge of the information sought by the prosecuting attorney."

Page 12, line 30, after "with a" insert "**nonparent**".

Page 12, line 30, after "the" insert "**nonparent**".

Page 12, line 31, after "shall" insert "**make a good faith effort to**".

Page 12, line 33, after "the" insert "**nonparent**".

Page 12, line 36, after "with a" insert "**nonparent**".

Page 12, line 36, after "the" insert "**nonparent**".

Page 12, line 37, after "shall" insert "**make a good faith effort to**".

Page 12, between lines 40 and 41, begin a new paragraph and insert:
"(d) The nonparent custodian or guardian is presumed to make a good faith effort under subsections (b) and (c) if the nonparent custodian or guardian does one (1) or more of the following:

- (1) Responds to telephone calls from a prosecutor or correspondence from a prosecuting attorney.
- (2) Appears for an appointment, in person or by telephone, with a prosecuting attorney.
- (3) Appears at a court hearing when requested by a prosecuting attorney.
- (4) Does one (1) or more of the following:

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(A) Provides information described in IC 12-7-2-43.5(b), to the extent the information is known.

(B) Affirms that the information described in IC 12-7-2-43.5(b) is not known.

(e) Before making a determination that the nonparent custodian or guardian is not making a good faith effort to cooperate, the prosecuting attorney shall consider one (1) or more of the following:

(1) Whether the nonparent custodian or guardian could reasonably be expected to provide the information.

(2) The age of the child for whom child support is being sought.

(3) The circumstances surrounding the conception of the child.

(4) The age and mental capacity of the nonparent custodian or guardian.

(5) The time that has expired since the nonparent custodian or guardian has last had contact with:

(A) the alleged father of the child;

(B) a parent of the child; or

(C) a relative of the persons listed in clause (A) or (B).

(6) Any credible information that demonstrates an inability to provide correct information about an alleged father or a parent of the child because of deception by the alleged father or parent.

(7) Any other credible information obtained by the prosecuting attorney that demonstrates the nonparent custodian or guardian has knowledge of the information sought by the prosecuting attorney."

Page 15, line 3, after "14." insert "(a)".

Page 15, line 8, delete "The" and insert "Except as provided in subsection (b), the".

Page 15, line 15, delete "For purposes of subdivision (1), an", begin a new paragraph and insert:

"(b) An".

Page 15, line 18, delete "address, but may provide" and insert "address if the individual provides".

Page 16, line 26, after "6.3." insert "(a)".

Page 16, between lines 29 and 30, begin a new paragraph and insert:

"(b) If a court temporarily modifies a custody order due to a parent's active duty service, the order temporarily modifying the custody order terminates automatically not later than ten (10) days

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after the date the parent notifies the temporary custodian in writing that the parent has returned from active duty service. This subsection does not prevent a court from modifying a child custody order as provided under this article after a parent returns from active duty service."

Page 17, line 36, after "9." insert "(a)".

Page 17, line 40, delete "The" and insert "Except as provided in subsection (b), the".

Page 18, line 6, delete "For the purposes of subdivision (1), an", begin a new paragraph and insert:

"(b) An".

Page 18, line 9, delete "address, but may provide" and insert "address if the individual provides".

Page 18, line 38, delete "address, but may provide" and insert "address if the individual provides".

Page 26, line 29, after "21.3." insert "(a)".

Page 26, run in lines 29 through 30.

Page 26, between lines 32 and 33, begin a new paragraph and insert:

"(b) If a court temporarily modifies a custody order due to a parent's active duty service, the order temporarily modifying the custody order terminates automatically not later than ten (10) days after the date the parent notifies the temporary custodian in writing that the parent has returned from active duty service. This subsection does not prevent a court from modifying a child custody order as provided under this article after a parent returns from active duty service."

Page 31, line 1, after "for" insert "a".

Page 38, line 2, delete "river boat" and insert "riverboat".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 163 as reprinted January 26, 2010.)

SUMMERS, Chair

Committee Vote: yeas 11, nays 0.

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