

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

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:*

- 1 Page 1, line 11, delete "of not more" and insert "**in the amount of**
- 2 **the lesser of:**
- 3 **(A) three percent (3%) of the amount of delinquent child**
- 4 **support withheld under subdivision (2)(A); or**
- 5 **(B) one hundred dollars (\$100); and".**
- 6 Page 1, delete line 12.
- 7 Page 2, between lines 18 and 19, begin a new paragraph and insert:
- 8 **"(e) The delinquent child support required to be withheld under**
- 9 **this section and an administrative fee described under subsection**
- 10 **(b)(1) have priority over any secured or unsecured claim on cash**
- 11 **winnings except claims for federal or state taxes that are required**
- 12 **to be withheld under federal or state law."**
- 13 Page 3, line 21, delete "of not more" and insert "**in the amount of**
- 14 **the lesser of:**
- 15 **(A) three percent (3%) of the amount of delinquent child**
- 16 **support withheld under subdivision (2)(A); or**

1 **(B) one hundred dollars (\$100); and".**

2 Page 3, delete line 22.

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

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

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

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

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

18 **(A) establishing:**

19 **(i) paternity; or**

20 **(ii) an order for child support; or**

21 **(B) enforcing an order for child support.**

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

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

27 **(A) establish paternity of a dependent child;**

28 **(B) locate parents; or**

29 **(C) establish a child support order with respect to a child.**

30 **(4) To appear at hearings regarding:**

31 **(A) establishment of paternity of a child or a child support**
 32 **order; or**

33 **(B) enforcement of a child support order;**

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

36 **(b) Information under subsection (a)(3) includes:**

37 **(1) identification of potential fathers of a dependent child, if**
 38 **known and paternity has not been established; and**

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

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

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

23 Page 11, line 8, delete "applicant".

24 Page 11, line 36, strike "or".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 **(3) The circumstances surrounding the conception of the
28 child.**

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

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

33 **(A) the alleged father of the child;**

34 **(B) a parent of the child; or**

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

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

- 1 **or parent.**
- 2 **(7) Any other credible information obtained by the**
- 3 **prosecuting attorney that demonstrates the nonparent**
- 4 **custodian or guardian has knowledge of the information**
- 5 **sought by the prosecuting attorney."**
- 6 Page 12, line 18, after "with a" insert "**nonparent**".
- 7 Page 12, line 18, after "the" insert "**nonparent**".
- 8 Page 12, line 19, after "shall" insert "**make a good faith effort to**".
- 9 Page 12, between lines 22 and 23, begin a new paragraph and insert:
- 10 **"(c) The nonparent custodian or guardian is presumed to make**
- 11 **a good faith effort under subsection (b) if the nonparent custodian**
- 12 **or guardian does one (1) or more of the following:**
- 13 **(1) Responds to telephone calls from a prosecuting attorney or**
- 14 **correspondence from a prosecuting attorney.**
- 15 **(2) Appears for an appointment, in person or by telephone,**
- 16 **with a prosecuting attorney.**
- 17 **(3) Appears at a court hearing when requested by a**
- 18 **prosecuting attorney.**
- 19 **(4) Does one (1) or more of the following:**
- 20 **(A) Provides information described in IC 12-7-2-43.5(b), to**
- 21 **the extent the information is known.**
- 22 **(B) Affirms that the information described in**
- 23 **IC 12-7-2-43.5(b) is not known.**
- 24 **(d) Before making a determination that the nonparent custodian**
- 25 **or guardian is not making a good faith effort to cooperate, the**
- 26 **prosecuting attorney shall consider one (1) or more of the**
- 27 **following:**
- 28 **(1) Whether the nonparent custodian or guardian could**
- 29 **reasonably be expected to provide the information.**
- 30 **(2) The age of the child for whom child support is being**
- 31 **sought.**
- 32 **(3) The circumstances surrounding the conception of the**
- 33 **child.**
- 34 **(4) The age and mental capacity of the nonparent custodian or**
- 35 **guardian.**
- 36 **(5) The time that has expired since the nonparent custodian or**
- 37 **guardian has last had contact with:**
- 38 **(A) the alleged father of the child;**

- 1 **(B) a parent of the child; or**
 2 **(C) a relative of the persons listed in clause (A) or (B).**
 3 **(6) Any credible information that demonstrates an inability to**
 4 **provide correct information about an alleged father or a**
 5 **parent of the child because of deception by the alleged father**
 6 **or parent.**
 7 **(7) Any other credible information obtained by the prosecutor**
 8 **that demonstrates the nonparent custodian or guardian has**
 9 **knowledge of the information sought by the prosecuting**
 10 **attorney."**

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

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

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

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

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

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

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

18 Page 12, between lines 40 and 41, begin a new paragraph and insert:

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

22 **(1) Responds to telephone calls from a prosecutor or**
 23 **correspondence from a prosecuting attorney.**

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

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

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

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

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

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

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

- 1 **(2) The age of the child for whom child support is being**
 2 **sought.**
- 3 **(3) The circumstances surrounding the conception of the**
 4 **child.**
- 5 **(4) The age and mental capacity of the nonparent custodian or**
 6 **guardian.**
- 7 **(5) The time that has expired since the nonparent custodian or**
 8 **guardian has last had contact with:**
- 9 **(A) the alleged father of the child;**
 10 **(B) a parent of the child; or**
 11 **(C) a relative of the persons listed in clause (A) or (B).**
- 12 **(6) Any credible information that demonstrates an inability to**
 13 **provide correct information about an alleged father or a**
 14 **parent of the child because of deception by the alleged father**
 15 **or parent.**
- 16 **(7) Any other credible information obtained by the**
 17 **prosecuting attorney that demonstrates the nonparent**
 18 **custodian or guardian has knowledge of the information**
 19 **sought by the prosecuting attorney."**
- 20 Page 15, line 3, after "14." insert "(a)".
- 21 Page 15, line 8, delete "The" and insert "**Except as provided in**
 22 **subsection (b), the"**.
- 23 Page 15, line 15, delete "For purposes of subdivision (1), an", begin
 24 a new paragraph and insert:
 25 **"(b) An"**.
- 26 Page 15, line 18, delete "address, but may provide" and insert
 27 **"address if the individual provides"**.
- 28 Page 16, line 26, after "6.3." insert "(a)".
- 29 Page 16, between lines 29 and 30, begin a new paragraph and insert:
 30 **"(b) If a court temporarily modifies a custody order due to a**
 31 **parent's active duty service, the order temporarily modifying the**
 32 **custody order terminates automatically not later than ten (10) days**
 33 **after the date the parent notifies the temporary custodian in**
 34 **writing that the parent has returned from active duty service. This**
 35 **subsection does not prevent a court from modifying a child custody**
 36 **order as provided under this article after a parent returns from**
 37 **active duty service."**
- 38 Page 17, line 36, after "9." insert "(a)".

- 1 Page 17, line 40, delete "The" and insert "**Except as provided in**
2 **subsection (b), the**".
- 3 Page 18, line 6, delete "For the purposes of subdivision (1), an",
4 begin a new paragraph and insert:
5 "**(b) An**".
- 6 Page 18, line 9, delete "address, but may provide" and insert
7 "**address if the individual provides**".
- 8 Page 18, line 38, delete "address, but may provide" and insert
9 "**address if the individual provides**".
- 10 Page 26, line 29, after "21.3." insert "**(a)**".
- 11 Page 26, run in lines 29 through 30.
- 12 Page 26, between lines 32 and 33, begin a new paragraph and insert:
13 "**(b) If a court temporarily modifies a custody order due to a**
14 **parent's active duty service, the order temporarily modifying the**
15 **custody order terminates automatically not later than ten (10) days**
16 **after the date the parent notifies the temporary custodian in**
17 **writing that the parent has returned from active duty service. This**
18 **subsection does not prevent a court from modifying a child custody**
19 **order as provided under this article after a parent returns from**

- 1 **active duty service."**
- 2 Page 31, line 1, after "for" insert "**a**".
- 3 Page 38, line 2, delete "river boat" and insert "**riverboat**".
- 4 Renumber all SECTIONS consecutively.
(Reference is to SB 163 as reprinted January 26, 2010.)

and when so amended that said bill do pass.

Representative Summers