



February 24, 2012

ENGROSSED SENATE BILL No. 18

DIGEST OF SB 18 (Updated February 22, 2012 3:37 pm - DI 107)

Citations Affected: IC 31-14; IC 31-16.

Synopsis: Duty to support a child. Provides that the duty to support a child, which does not include support for educational needs, ceases when the child becomes 19 years of age. (Current law provides that the duty to support a child ceases when the child becomes 21 years of age.) Permits a child who is receiving child support under an order issued before July 1, 2012, to file a petition for educational needs until the child becomes 21 years of age, and specifies that a child who is receiving child support after this date may petition until the child becomes 19 years of age. (The introduced version of this bill was prepared by the child custody and support advisory committee.)

Effective: July 1, 2012.

Steele, Young R Michael

(HOUSE SPONSORS — KIRCHHOFFER, MCMILLIN, STEUERWALD)

January 4, 2012, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

January 10, 2012, reported favorably — Do Pass.

January 23, 2012, read second time, amended, ordered engrossed.

January 24, 2012, engrossed. Read third time, passed. Yeas 49, nays 1.

HOUSE ACTION

January 31, 2012, read first time and referred to Committee on Family, Children and Human Affairs.

February 23, 2012, amended, reported — Do Pass.

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ES 18—LS 6074/DI 110+



February 24, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 18

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 31-14-11-18 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. **(a)** The duty to
3 support a child under this article (or IC 31-6-6.1 before its repeal),
4 **which does not include support for educational needs**, ceases when
5 the child becomes ~~twenty-one (21)~~ **nineteen (19)** years of age unless
6 either of the following conditions occurs:
7 (1) The child is emancipated before the child becomes ~~twenty-one~~
8 ~~(21)~~ **nineteen (19)** years of age. If this occurs, the child support,
9 except for educational needs, terminates at the time of
10 emancipation. However, an order for educational needs may
11 continue in effect until further order of the court.
12 (2) The child is incapacitated. If this occurs, the child support
13 continues during the incapacity or until further order of the court.
14 **(b) A child who is receiving child support under an order issued**
15 **before July 1, 2012, may file a petition for educational needs until**
16 **the child becomes twenty-one (21) years of age.**
17 **(c) A child who is receiving child support under an order issued**

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1 **after June 30, 2012, may file a petition for educational needs until**
 2 **the child becomes nineteen (19) years of age.**

3 SECTION 2. IC 31-16-6-6, AS AMENDED BY P.L.80-2010,
 4 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2012]: Sec. 6. (a) The duty to support a child under this
 6 chapter, **which does not include support for educational needs,**
 7 ceases when the child becomes ~~twenty-one (21)~~ **nineteen (19)** years of
 8 age unless any of the following conditions occurs:

9 (1) The child is emancipated before becoming ~~twenty-one (21)~~
 10 **nineteen (19)** years of age. In this case the child support, except
 11 for the educational needs outlined in section 2(a)(1) of this
 12 chapter, terminates at the time of emancipation, although an order
 13 for educational needs may continue in effect until further order of
 14 the court.

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

17 (3) The child:

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

19 (B) has not attended a secondary school or postsecondary
 20 educational institution for the prior four (4) months and is not
 21 enrolled in a secondary school or postsecondary educational
 22 institution; and

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

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

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

33 (1) is on active duty in the United States armed services;

34 (2) has married; or

35 (3) is not under the care or control of:

36 (A) either parent; or

37 (B) an individual or agency approved by the court;

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

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 18, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 18 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 7, Nays 2.

 SENATE MOTION

Madam President: I move that Senate Bill 18 be amended to read as follows:

Page 1, line 2, after "18." insert "(a)".

Page 1, between lines 13 and 14, begin a new paragraph and insert:

"(b) This subsection does not apply to a child who is emancipated or incapacitated. If the child:

(1) is at least nineteen (19) years of age;

(2) is enrolled in a secondary school or has attended a secondary school within the prior four (4) months; and

(3) has not graduated from a secondary school;

the duty to support a child under this article, which does not include support for educational needs, continues until the child becomes twenty-one (21) years of age, graduates from a secondary school, or has not attended a secondary school within the prior four (4) months, whichever occurs first.

(c) A child who is receiving child support under an order issued before July 1, 2012, may file a petition for educational needs until the child becomes twenty-one (21) years of age.

(d) A child who is receiving child support under an order issued after June 30, 2012, may file a petition for educational needs until the child becomes nineteen (19) years of age."

(Reference is to SB 18 as printed January 11, 2012.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 18, 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, delete lines 14 through 17.

Page 2, delete lines 1 through 7.

Page 2, line 8, delete "(c)" and insert "**(b)**".

Page 2, line 11, delete "(d)" and insert "**(c)**".

and when so amended that said bill do pass.

(Reference is to SB 18 as reprinted January 24, 2012.)

NOE, Chair

Committee Vote: yeas 12, nays 0.

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