

SENATE BILL No. 18

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-14-11-18; IC 31-16-6-6.

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.) (The introduced version of this bill was prepared by the child custody and support advisory committee.)

Effective: July 1, 2012.

Steele

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

C
O
P
Y



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.

C
o
p
y

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. The duty to support
3 a child under this article (or IC 31-6-6.1 before its repeal), **which does**
4 **not include support for educational needs**, ceases when the child
5 becomes ~~twenty-one (21)~~ **nineteen (19)** years of age unless either of
6 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 SECTION 2. IC 31-16-6-6, AS AMENDED BY P.L.80-2010,
15 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2012]: Sec. 6. (a) The duty to support a child under this
17 chapter, **which does not include support for educational needs**,



1 ceases when the child becomes ~~twenty-one (21)~~ **nineteen (19)** years of
 2 age unless any of the following conditions occurs:

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

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

11 (3) The child:

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

13 (B) has not attended a secondary school or postsecondary
 14 educational institution for the prior four (4) months and is not
 15 enrolled in a secondary school or postsecondary educational
 16 institution; and

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

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

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

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

28 (2) has married; or

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

30 (A) either parent; or

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

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

C
O
P
Y

