January 11, 2012

SENATE BILL No. 18

DIGEST OF SB 18 (Updated January 10, 2012 12:16 pm - DI 106)

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.) (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.
January 10, 2012, reported favorably — Do Pass.

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January 11, 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.

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:

SECTION 1. IC 31-14-11-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. The duty to support a child under this article (or IC 31-6-6.1 before its repeal), **which does not include support for educational needs,** ceases when the child becomes ~~twenty-one (21)~~ **nineteen (19)** years of age unless either of the following conditions occurs:

(1) The child is emancipated before the child becomes ~~twenty-one (21)~~ **nineteen (19)** years of age. If this occurs, the child support, except for educational needs, terminates at the time of emancipation. However, an order for educational needs may continue in effect until further order of the court.

(2) The child is incapacitated. If this occurs, the child support continues during the incapacity or until further order of the court.

SECTION 2. IC 31-16-6-6, AS AMENDED BY P.L.80-2010, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The duty to support a child under this chapter, **which does not include support for educational needs,**

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

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

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

(3) The child:

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

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

(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) 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.

C o p y

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.

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