COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 6, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-31-6-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6.5. The commission shall deny:

(1) a license; or

(2) the renewal of a license;

issued under this chapter to a person who is the subject of an order issued by a court under ~~IC 31-14-12-6 or~~ IC 31-16-12-9 (or IC 31-1-11.5-13(l), ~~or~~ IC 31-6-6.1-16(l), **or IC 31-14-12-6** before their repeal).

SECTION 2. IC 4-31-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) Upon receiving an order of a court issued under ~~IC 31-14-12-6 or~~ IC 31-16-12-9 (or IC 31-1-11.5-13(l), ~~or~~ IC 31-6-6.1-16(l), **or IC 31-14-12-6** before their repeal), the commission shall:

(1) suspend a license issued under this chapter to any 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.

SECTION 3. IC 4-33-8.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) Upon receiving an order of a court issued under ~~IC 31-14-12-6 or~~ IC 31-16-12-9 (or IC 31-1-11.5-13(l), ~~or~~ IC 31-6-6.1-16(l), **or IC 31-14-12-6** before their repeal) 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.

SECTION 4. IC 4-35-6.7-1, AS ADDED BY P.L.80-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Upon receiving an order of a court issued under ~~IC 31-14-12-6 or~~ IC 31-16-12-9 **(or IC 31-14-12-6 before its repeal),** 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.

SECTION 5. IC 5-13-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) Notwithstanding section 1 of this chapter, the clerk of a circuit court, in accounting for and disbursing support payments made through the clerk in accordance with ~~IC 31-14-11-11 or~~ IC 31-16-9 (or IC 31-1-11.5-13, ~~or~~ IC 31-6-6.1-16, **or IC 31-14-11-11,** before their repeal) may elect not to follow the accounting and depository procedures required by this chapter.

(b) If the clerk of a circuit court elects under subsection (a) not to follow the accounting and depository procedures required by this chapter, the clerk shall issue prenumbered receipts and keep a support cashbook for daily entry, by item, of all receipts and disbursements of support payments made through the clerk. The support receipts and cashbook are public records to be kept on forms prescribed by the state board of accounts, and shall be balanced daily.

SECTION 6. IC 7.1-3-23-45, AS ADDED BY P.L.80-2010, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 45. (a) Upon receiving a court order issued under ~~IC 31-14-12-10 or~~ IC 31-16-12-13 **(or IC 31-14-12-10 before its repeal),** the commission shall:

(1) suspend the employee's permit of; or

(2) deny an employee's permit or the renewal of an employee's permit to;

the person who is the subject of the order.

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

(1) That the:

(A) person's employee's permit has been suspended, beginning five (5) business days after the date the notice is mailed; and

(B) suspension will end ten (10) business days after the commission receives an order from the court that ordered the suspension authorizing reinstatement of the person's

employee's permit.

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

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

SECTION 7. IC 9-24-2-3, AS AMENDED BY P.L.125-2012, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) The bureau may not issue a driver's license or learner's permit or grant driving privileges to the following individuals:

(1) An individual whose license issued under Indiana law to operate a motor vehicle as an operator, a chauffeur, or a public passenger chauffeur has been suspended, during the period for which the license was suspended, or to an individual whose license has been revoked, until the time the bureau is authorized under Indiana law to issue the individual a new license.

(2) An individual whose learner's permit has been suspended or revoked until the time the bureau is authorized under Indiana law to issue the individual a new permit.

(3) An individual who, in the opinion of the bureau, is afflicted with or suffering from a physical or mental disability or disease that prevents the individual from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the public highways.

(4) An individual who is unable to understand highway warnings or direction signs written in the English language.

(5) An individual who is required under this article to take an examination unless the person successfully passes the examination.

(6) An individual who is required under IC 9-25 or any other statute to deposit or provide proof of financial responsibility and who has not deposited or provided that proof.

(7) An individual when the bureau has good cause to believe that the operation of a motor vehicle on a public highway of Indiana by the individual would be inimical to public safety or welfare.

(8) An individual who is the subject of an order issued by:

(A) a court under ~~IC 31-14-12-4 or~~ IC 31-16-12-7 (or IC 31-1-11.5-13, ~~or~~ IC 31-6-6.1-16, **or IC 31-14-12-4** before their repeal); or

(B) the Title IV-D agency;

ordering that a driver's license or permit not be issued to the individual.

(9) An individual who has not presented valid documentary evidence to the bureau of the person's legal status in the United States, as required by IC 9-24-9-2.5.

(b) An individual subject to epileptic seizures may not be denied a driver's license or permit under this section if the individual presents a statement from a licensed physician, on a form prescribed by the bureau, that the individual is under medication and is free from seizures while under medication.

SECTION 8. IC 9-30-13-6, AS ADDED BY P.L.125-2012, SECTION 371, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The bureau shall, upon receiving an order of a court issued under ~~IC 31-14-12-4 or~~ IC 31-16-12-7 **(or IC 31-14-12-4 before its repeal),** suspend the driving privileges of the person who is the subject of the order.

(b) The bureau may not reinstate driving privileges suspended under this section until the bureau receives an order allowing reinstatement from the court that issued the order for suspension.

(c) Upon receiving an order for suspension under subsection (a), the bureau shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(1) That the person's driving privileges are suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the bureau receives an order allowing reinstatement from the court that issued the suspension order.

(2) That the person has the right to petition for reinstatement of driving privileges to the court that issued the order for suspension.

(3) That the person may be granted restricted driving privileges under IC 9-24-15-6.7 if the person otherwise qualifies and can prove that public transportation is unavailable for travel by the person:

(A) to and from the person's regular place of employment;

(B) in the course of the person's regular employment;

(C) to and from the person's place of worship; or

(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.

(d) A person who operates a motor vehicle in violation of this section commits a Class A infraction, unless:

(1) the person's driving privileges are suspended under this section; and

(2) the person has been granted restricted driving privileges under IC 9-24-15 as a result of the suspension under this section.

SECTION 9. IC 25-1-1.2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) Upon receiving an order of a court issued under ~~IC 31-14-12-5 or~~ IC 31-16-12-8 (or IC 31-1-11.5-13(k), ~~or~~ IC 31-6-6.1-16(k), **or IC 31-14-12-5** before their repeal), the board shall:

(1) suspend the license of the practitioner; or

(2) deny the application of the applicant;

who is the subject of the order.

(b) Upon receiving an order of a court issued under ~~IC 31-14-12-5 or~~ IC 31-16-12-8 (or IC 31-1-11.5-13(k), ~~or~~ IC 31-6-6.1-16(k), **or IC 31-14-12-5** before their repeal), the board shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(1) That the practitioner's license has been suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the board receives an order allowing reinstatement from the court that issued the suspension order.

(2) That the practitioner has the right to petition for reinstatement of the practitioner's license to the court that issued the order for suspension.

(c) The board may not reinstate a license suspended under this section until the board receives an order allowing reinstatement from the court that issued the order for suspension.

SECTION 10. IC 27-1-15.6-12, AS AMENDED BY P.L.11-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) For purposes of this section, "permanently revoke" means that:

(1) the producer's license shall never be reinstated; and

(2) the former licensee, after the license revocation, is not eligible to submit an application for a license to the department.

(b) The commissioner may reprimand, levy a civil penalty, place an insurance producer on probation, suspend an insurance producer's license, revoke an insurance producer's license for a period of years, permanently revoke an insurance producer's license, or refuse to issue or renew an insurance producer license, or take any combination of these actions, for any of the following causes:

(1) Providing incorrect, misleading, incomplete, or materially untrue information in a license application.

(2) Violating:

(A) an insurance law;
(B) a regulation;
(C) a subpoena of an insurance commissioner; or
(D) an order of an insurance commissioner;
of Indiana or of another state.
(3) Obtaining or attempting to obtain a license through misrepresentation or fraud.
(4) Improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business.
(5) Intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance.
(6) Having been convicted of a felony.
(7) Admitting to having committed or being found to have committed any unfair trade practice or fraud in the business of insurance.
(8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.
(9) Having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory.
(10) Forging another's name to an application for insurance or to any document related to an insurance transaction.
(11) Improperly using notes or any other reference material to complete an examination for an insurance license.
(12) Knowingly accepting insurance business from an individual who is not licensed.
(13) Failing to comply with an administrative or court order imposing a child support obligation.
(14) Failing to pay state income tax or to comply with any administrative or court order directing payment of state income tax.
(15) Failing to satisfy the continuing education requirements established by IC 27-1-15.7.
(16) Violating section 31 of this chapter.
(17) Failing to timely inform the commissioner of a change in legal name or address, in violation of section 7(h) of this chapter.
(c) The commissioner shall refuse to:
(1) issue a license; or
(2) renew a license issued;
under this chapter to any person who is the subject of an order issued

by a court under ~~IC 31-14-12-7 or~~ IC 31-16-12-10 (or IC 31-1-11.5-13(m), ~~or~~ IC 31-6-6.1-16(m), **or IC 31-14-12-7** before their repeal).

(d) If the commissioner refuses to renew a license or denies an application for a license, the commissioner shall notify the applicant or licensee and advise the applicant or licensee, in a writing sent through regular first class mail, of the reason for the denial of the applicant's application or the nonrenewal of the licensee's license. The applicant or licensee may, not more than sixty-three (63) days after notice of denial of the applicant's application or nonrenewal of the licensee's license is mailed, make written demand to the commissioner for a hearing before the commissioner to determine the reasonableness of the commissioner's action. The hearing shall be held not more than thirty (30) days after the applicant or licensee makes the written demand, and shall be conducted under IC 4-21.5.

(e) The license of a business entity may be suspended, revoked, or refused if the commissioner finds, after hearing, that a violation of an individual licensee acting on behalf of the partnership or corporation was known or should have been known by one (1) or more of the partners, officers, or managers of the partnership or corporation and:

(1) the violation was not reported to the commissioner; and

(2) no corrective action was taken.

(f) In addition to or in lieu of any applicable denial, suspension, or revocation of a license under subsection (b), a person may, after a hearing, be subject to the imposition by the commissioner under subsection (b) of a civil penalty of not less than fifty dollars ($50) and not more than ten thousand dollars ($10,000). A penalty imposed under this subsection may be enforced in the same manner as a civil judgement.

(g) A licensed insurance producer or limited lines producer shall, not more than ten (10) days after the producer receives a request in a registered or certified letter from the commissioner, furnish the commissioner with a full and complete report listing each insurer with which the licensee has held an appointment during the year preceding the request.

(h) If a licensee fails to provide the report requested under subsection (g) not more than ten (10) days after the licensee receives the request, the commissioner may, in the commissioner's sole discretion, without a hearing, and in addition to any other sanctions allowed by law, suspend any insurance license held by the licensee pending receipt of the appointment report.

(i) The commissioner shall promptly notify all appointing insurers

and the licensee regarding any suspension, revocation, or termination of a license by the commissioner under this section.

(j) The commissioner may not grant, renew, continue, or permit to continue any license if the commissioner finds that the license is being used or will be used by the applicant or licensee for the purpose of writing controlled business. As used in this subsection, "controlled business" means:

(1) insurance written on the interests of:

(A) the applicant or licensee;

(B) the applicant's or licensee's immediate family; or

(C) the applicant's or licensee's employer; or

(2) insurance covering:

(A) the applicant or licensee;

(B) members of the applicant's or licensee's immediate family; or

(C) either:

(i) a corporation, limited liability company, association, or partnership; or

(ii) the officers, directors, substantial stockholders, partners, members, managers, employees of such a corporation, limited liability company, association, or partnership;

of which the applicant or licensee or a member of the applicant's or licensee's immediate family is an officer, director, substantial stockholder, partner, member, manager, associate, or employee.

However, this section does not apply to insurance written or interests insured in connection with or arising out of credit transactions. A license is considered to have been used or intended to be used for the purpose of writing controlled business if the commissioner finds that during any twelve (12) month period the aggregate commissions earned from the controlled business exceeded twenty-five percent (25%) of the aggregate commission earned on all business written by the applicant or licensee during the same period.

(k) The commissioner has the authority to:

(1) enforce the provisions of; and

(2) impose any penalty or remedy authorized by;

this chapter or any other provision of this title against any person who is under investigation for or charged with a violation of this chapter or any other provision of this title, even if the person's license or registration has been surrendered or has lapsed by operation of law.

(l) For purposes of this section, the violation of any provision of IC 28 concerning the sale of a life insurance policy or an annuity

contract shall be considered a violation described in subsection (b)(2).

(m) The commissioner may order a licensee to make restitution if the commissioner finds that the licensee has committed a violation described in:

(1) subsection (b)(4);

(2) subsection (b)(7);

(3) subsection (b)(8); or

(4) subsection (b)(16).

(n) The commissioner shall notify the securities commissioner appointed under IC 23-19-6-1(a) when an administrative action or civil proceeding is filed under this section and when an order is issued under this section denying, suspending, or revoking a license.

SECTION 11. IC 27-1-15.6-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 28. (a) Upon receiving an order of a court issued under ~~IC 31-14-12-7~~ ~~or~~ IC 31-16-12-10 (or IC 31-1-11.5-13(m), ~~or~~ IC 31-6-6.1-16(m), **or IC 31-14-12-7** before their repeal), the commissioner shall:

(1) suspend a license issued under this chapter to the 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 commissioner 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 commissioner shall not reinstate a license suspended under subsection (a) until the commissioner receives an order allowing reinstatement from the court that issued the order for suspension.

SECTION 12. IC 27-10-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) The commissioner shall deny, suspend, revoke, or refuse to renew any license issued under this article for any of the following causes:

(1) Any cause for which issuance of the license could have been refused had it then existed and been known to the commissioner.

(2) Violation of any laws of this state in the course of dealings under any license issued the licensee by the commissioner.

(3) Material misstatement, misrepresentation, or fraud in obtaining the license.

(4) Misappropriation, conversion, or unlawful withholding of money belonging to insurers or others and received in the conduct of business under any license issued to the licensee by the commissioner.

(5) Fraudulent or dishonest practices in the conduct of business under any license issued to the licensee by the commissioner.

(6) Willful failure to comply with or willful violation of any proper order or rule of the commissioner.

(7) When, in the judgment of the commissioner, the licensee has, in the conduct of affairs under the license, demonstrated:

(A) incompetency or untrustworthiness;

(B) conduct or practices rendering the licensee unfit to carry on the bail bond business or making the licensee's continuance in such business detrimental to the public interest;

(C) that the licensee is no longer in good faith carrying on the bail bond business; or

(D) that the licensee is guilty of rebating, or offering to rebate, or unlawfully dividing, or offering to divide, the licensee's commissions in the case of limited surety agents;

and for such reasons is found by the commissioner to be a source of detriment, injury, or loss to the public.

(8) The listing of the name of the applicant or licensee on the most recent tax warrant list supplied to the commissioner by the department of state revenue.

(b) The commissioner shall refuse to:

(1) issue a license; or

(2) renew a license issued;

under this chapter to a person who is the subject of an order issued by a court under ~~IC 31-14-12-7 or~~ IC 31-16-12-10 (or IC 31-1-11.5-13(m), ~~or~~ IC 31-6-6.1-16(m), **or IC 31-14-12-7** before their repeal).

(c) The commissioner may also levy a civil penalty of not more than ten thousand dollars ($10,000) for any of the causes listed in subsection (a). Any civil penalty levied under this subsection may be enforced in the same manner as a civil judgment.

(d) When a person who holds a license under this chapter enters a plea of guilty to a disqualifying offense, the commissioner, immediately upon the court's acceptance of the plea, shall revoke the person's license. The commissioner shall revoke the license of any person who is convicted of a disqualifying offense immediately upon conviction. The pending of sentencing or the pending of an appeal of a conviction of a disqualifying offense does not stay the revocation of a license under this subsection. A person convicted of a felony is not eligible to

reapply for a license until ten (10) years from the date of conviction or release from imprisonment, parole, or probation, whichever is later. A person convicted of a misdemeanor disqualifying offense is not eligible to reapply for a license until five (5) years from the date of conviction or release from imprisonment, parole, or probation, whichever is later.

SECTION 13. IC 27-10-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 19. (a) Upon receiving an order of a court issued under ~~IC 31-14-12-7 or~~ IC 31-16-12-10 (or IC 31-1-11.5-13(m), ~~or~~ IC 31-6-6.1-16(m), **or IC 31-14-12-7** before their repeal), the commissioner shall:

(1) suspend a license issued under this chapter to any 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 commissioner 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 commissioner shall not reinstate a license suspended under subsection (a) until the commissioner receives an order allowing reinstatement from the court that issued the order for suspension.

SECTION 14. IC 31-9-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 18. "Child support guidelines", for purposes of ~~IC 31-14-11-8 and~~ IC 31-16-8-1, refers to the guidelines adopted by the Indiana supreme court.

SECTION 15. IC 31-9-2-30, AS AMENDED BY P.L.210-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 30. "Custodial parent", for purposes of ~~IC 31-14-11-2.5,~~ IC 31-14-13-8, IC 31-14-15, IC 31-16-6-1.5, IC 31-16-12.5, IC 31-17-2-22, and IC 31-17-4, means the parent who has been awarded physical custody of a child by a court.

SECTION 16. IC 31-9-2-83, AS AMENDED BY P.L.210-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 83. "Noncustodial parent", for purposes of ~~IC 31-14-11-2.5,~~ IC 31-14-13-10, IC 31-14-15, IC 31-16-6-1.5, and IC 31-17-4, means the parent who is not the custodial parent.

SECTION 17. IC 31-14-11-2, AS AMENDED BY P.L.80-2010, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2013]: Sec. 2. (a) The court may order either or both parents to pay any reasonable amount for child support. ~~after considering all relevant factors, including the following:~~

~~(1) The financial resources of the custodial parent.~~

~~(2) The standard of living the child would have enjoyed had the parents been married and remained married to each other.~~

~~(3) The physical and mental condition of the child.~~

~~(4) The child's educational needs.~~

~~(5) The financial resources and needs of the noncustodial parent.~~

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

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

~~(1) the custodial parent or third party files a written objection before a child support order is issued; and~~

~~(2) the court finds that good cause exists to exempt the custodial parent or third party from the account requirement.~~

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

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

SECTION 18. IC 31-14-11-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2.3. A child support order issued under this chapter is subject to the provisions in IC 31-16-6 through IC 31-16-13.**

SECTION 19. IC 31-14-11-2.5 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 2.5. (a) A court shall specify in a child support order which parent of a child may claim the child as a dependent for purposes of federal and state taxes.~~

~~(b) In determining which parent may claim the child as a dependent under subsection (a), the court shall consider the following:~~

~~(1) The value of claiming the child as a dependent at the marginal tax rate of each parent.~~

~~(2) The income of each parent.~~

~~(3) The age of the child and the number of years that the child could be claimed as a dependent.~~

~~(4) Each parent's percentage of the costs of supporting the child.~~

~~(5) If applicable, the financial aid benefit for postsecondary education for the child.~~

~~(6) If applicable, the financial burden each parent assumed under the property settlement in a dissolution proceeding.~~

~~(7) Any other relevant factors.~~

~~(c) If a court specifies that the noncustodial parent of a child may claim the child as a dependent for purposes of federal and state taxes, the court shall order the custodial parent of the child to take all actions necessary to release the custodial parent's claim to the exemption in the manner required under Section 152(e) of the Internal Revenue Code.~~

~~(d) If a court determines that a parent who is ordered to pay child support may claim the child as a dependent under subsection (a), the court shall include in the order that the parent may only claim the child as a dependent for federal and state tax purposes if the parent has paid at least ninety-five percent (95%) of the parent's child support obligation for the calendar year for which the parent is ordered to claim the child as a dependent by January 31 of the following year.~~

SECTION 20. IC 31-14-11-3 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 3. (a) Where appropriate, the support order may include:~~

~~(1) money for the child's education beyond grade 12, after the court has considered:~~

~~(A) the child's aptitude and ability;~~

~~(B) the child's reasonable ability to contribute to educational expenses through:~~

~~(i) work;~~

~~(ii) obtaining loans; and~~

~~(iii) obtaining other sources of financial aid reasonably available to the child and the parent or parents; and~~

~~(C) the ability of the parents to meet these expenses;~~

~~(2) special medical, hospital, or dental expenses necessary to serve the best interests of the child;~~

~~(3) fees mandated under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669); and~~

~~(4) basic health and hospitalization insurance coverage for the child.~~

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

~~(c) In an action initiated by the Title IV-D agency or other parties, the court shall order either parent or both parents to provide the insurance coverage for the child if the insurance coverage is available to the parent at reasonable cost.~~

SECTION 21. IC 31-14-11-4 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 4. If the court orders support for a child's educational expenses at a postsecondary educational institution under section 3 of this chapter, the court shall reduce other child support for the child that:~~

~~(1) is duplicated by the educational support order; and~~

~~(2) would otherwise be paid to the custodial parent.~~

SECTION 22. IC 31-14-11-6 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 6. The court may set aside any portion of either parent's property that may be necessary and proper for the support of the child.~~

SECTION 23. IC 31-14-11-7 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 7. The court may provide in:~~

~~(1) a support order; or~~

~~(2) **a** modification of a support order;~~

~~for the **a** security, bond, or other guarantee that is satisfactory to the court to secure the obligation to make support payments.~~

SECTION 24. IC 31-14-11-8 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 8. A support order may be modified or revoked upon a showing:~~

~~(1) of a substantial change in circumstances that makes the terms unreasonable; or~~

~~(2) that:~~

~~(A) a person has been ordered to pay an amount in child support that differs by more than twenty percent (20%) from the amount that would be ordered by applying the child support guidelines; and~~

~~(B) the support order requested to be modified or revoked was issued at least twelve (12) months before the petition requesting modification was filed.~~

SECTION 25. IC 31-14-11-9 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 9. The court may order that support payments be made to any appropriate person.~~

SECTION 26. IC 31-14-11-10 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 10. Support payments may be used only for the benefit of the child. However, if the payments are assigned to the state agency administering Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669), the payments shall be disbursed and fees shall be imposed in accordance with Title IV-D of the federal Social Security~~

~~Act (42 U.S.C. 651 through 669).~~

SECTION 27. IC 31-14-11-11 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 11. (a) This subsection applies before January 1, 2007. The court shall require that child support payments be made through the clerk of the court or the child support bureau under IC 31-25-3 or IC 31-25-4 as trustee for remittance to the person entitled to receive the payments, unless the court has reasonable grounds for providing or approving another method of payment.~~

~~(b) Beginning January 1, 2007, the court shall require that child support payments:~~

~~(1) if paid in cash, be made through the clerk of the court; and~~

~~(2) if paid by a noncash method, be made through the state central collection unit established within the child support bureau by IC 31-25-3-1;~~

~~as trustee for remittance to the person entitled to receive the payments.~~

SECTION 28. IC 31-14-11-12 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 12. (a) If the clerk of the court is notified by the Title IV-D agency or the agency's designee that:~~

~~(1) the child who is the beneficiary of a support order is receiving assistance under the:~~

~~(A) federal Title IV-A assistance program (42 U.S.C. 601 et seq.); or~~

~~(B) Title IV-E assistance program (42 U.S.C. 671 et seq.);~~

~~(2) an assignment of support rights in favor of the state is in effect against the person obligated to make child support payments; and~~

~~(3) the Title IV-D agency has sent notice to the child support obligor and obligee;~~

~~the clerk of the court shall forward the child support payments directly to the Title IV-D agency without further order of the court.~~

~~(b) The Title IV-D agency shall disburse the child support payments in accordance with federal regulations governing the Title IV-D program.~~

SECTION 29. IC 31-14-11-13 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 13. (a) The clerk shall maintain records listing the following:~~

~~(1) The amount of child support payments.~~

~~(2) The date when child support payments must be made.~~

~~(3) The names and addresses of the parties affected by the order.~~

~~(4) The information required to be submitted to the clerk by sections 14, 15, and 16 of this chapter.~~

~~(b) If the clerk elects under IC 5-13-6-4(a) not to follow the accounting and depository procedures required by IC 5-13-6, the clerk~~

~~shall comply with IC 5-13-6-4(b).~~

~~(c) A record created under this section is the official record of the collection, disbursement, and distribution of child support payments.~~

SECTION 30. IC 31-14-11-14 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 14. (a) The custodial parent and the noncustodial parent shall furnish the following information to the clerk of the court for entry into the Indiana support enforcement tracking system (ISETS) or its successor statewide automated support enforcement system 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 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 31. IC 31-14-11-15 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 15. (a) A party affected by a support order shall inform the clerk and the state central collection unit established within the child support bureau by IC 31-25-3-1 of any change of address not more than fifteen (15) days after the party's address is changed.~~

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

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

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

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

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

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

SECTION 32. IC 31-14-11-16 IS REPEALED [EFFECTIVE JULY

1, 2013]. ~~Sec. 16. In all cases administered by the Title IV-D agency, the court shall order the noncustodial parent to inform the Title IV-D agency and the court of:~~

~~(1) the name and address of the noncustodial parent's current employer;~~

~~(2) specific health insurance policy information, including access to health insurance plans; and~~

~~(3) the Social Security number of the noncustodial parent.~~

SECTION 33. IC 31-14-11-17 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 17. If the child dies while a support order is in effect, the court may order either or both parents to pay reasonable funeral expenses.~~

SECTION 34. IC 31-14-11-18 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 18. (a) 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 nineteen (19) years of age unless either of the following conditions occurs:~~

~~(1) The child is emancipated before the child becomes 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.~~

~~(b) 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.~~

~~(c) 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.~~

SECTION 35. IC 31-14-11-19 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 19. Unless otherwise agreed in writing or expressly provided in the order, provisions for child support are terminated by the emancipation of the child, but not by the death of a parent obligated to pay support.~~

SECTION 36. IC 31-14-11-20 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 20. Subject to section 19 of this chapter, if a parent obligated to pay support dies, the amount of support may be modified or revoked to the extent just and appropriate under the circumstances on petition of representatives of the parent's estate.~~

SECTION 37. IC 31-14-11-21 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 21. Child support that:~~

~~(1) the parent was obligated to pay; and~~

~~(2) has not been paid at the time of the parent's death;~~

~~constitutes a priority claim against the estate.~~

SECTION 38. IC 31-14-11-22 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 22. The obligation of a person to pay child support arrearages does not terminate when the person's duty to support a child ceases under section 21 of this chapter (or IC 31-6-6.1-13(f) before its repeal). The statutes applicable to the collection of child support obligations apply to the collection of child support arrearages described in this section.~~

SECTION 39. IC 31-14-11-24 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 24. After a proper showing of necessity, the court may order the person receiving child support to provide an accounting of future expenditures.~~

SECTION 40. IC 31-14-12 IS REPEALED [EFFECTIVE JULY 1, 2013]. (Enforcement of Support Order Following Determination of Paternity).

SECTION 41. IC 31-14-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) This section does not apply to an order under ~~IC 31-14-11-7,~~ IC 31-14-13-6.5 or IC 31-14-14-2.5.

(b) A court may not require an applicant for a temporary restraining order or an injunction under this chapter (or IC 31-6-6.1-12.1 before its repeal) to give security.".

Page 2, delete lines 20 through 25, begin a new paragraph and insert:

"**(c) If a court has established a duty to support a child in a court order issued before July 1, 2012, the:**

(1) parent or guardian of the child; or

(2) child;

may file a petition for educational needs until the child becomes twenty-one (21) years of age.

(d) If a court has established a duty to support a child in a court order issued after June 30, 2012, the:

(1) parent or guardian of the child; or

(2) child;

may file a petition for educational needs until the child becomes nineteen (19) years of age.

(e) If:

(1) an order was issued after June 30, 2012, that denied support for educational needs to a child who was less than twenty-one (21) years of age at the time the petition for

educational needs was filed; and

(2) support for educational needs was denied based on the fact that the child was older than eighteen (18) years of age;

notwithstanding any other law, a parent or guardian of the child or the child may file with the court a subsequent petition for educational needs. The court shall consider the petition on the merits in accordance with this section and may not consider the absence of subsection (c) from law at the time of the initial filing.

SECTION 43. IC 31-16-6-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 7.5. If the child dies while a support order is in effect, the court may order either or both parents to pay reasonable funeral expenses.**

SECTION 44. IC 31-16-9-1, AS AMENDED BY P.L.3-2008, SECTION 231, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) This subsection applies before January 1, 2007. Upon entering an order for support in:

(1) a dissolution of marriage decree under IC 31-15-2;

(2) a legal separation decree under IC 31-15-3; or

(3) a child support decree under IC 31-16-2;

the court shall require that support payments be made through the clerk of the circuit court as trustee for remittance to the person entitled to receive payments, unless the court has reasonable grounds for providing or approving another method of payment.

(b) Beginning January 1, 2007, except as provided in subsection (c), upon entering an order for support in:

(1) a child support decree under IC 31-14-11;

~~(1)~~ **(2)** a dissolution of marriage decree under IC 31-15-2;

~~(2)~~ **(3)** a legal separation decree under IC 31-15-3; or

~~(3)~~ **(4)** a child support decree under IC 31-16-2;

the court shall require that support payments be made through the clerk of the circuit court or the state central collection unit established by IC 31-33-1.5-8, as trustee for remittance to the person entitled to receive payments, unless the court has reasonable grounds for providing or approving another method of payment.

(c) Beginning January 1, 2007, child support payments that are paid in cash must be paid to a clerk of the circuit court, and all noncash payments must be paid to the state central collection unit established within the child support bureau by IC 31-25-3-1.

SECTION 45. IC 31-16-12.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. A final order issued under section 6 of this chapter may include interest charges in an

amount determined under ~~IC 31-14-12-1 or~~ IC 31-16-12-2.

SECTION 47. IC 31-25-4-17, AS AMENDED BY P.L.128-2012, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17. (a) The bureau shall do the following:

(1) Collect support payments when the payments have been assigned to the state by the application for assistance under Title IV-A.

(2) Assist in obtaining a support order, including an order for health insurance coverage under:

(A) IC 27-8-23; **or**

~~(B) IC 31-14-11-3; or~~

~~(C)~~ **(B)** IC 31-16-6-4;

when there is no existing order and assistance is sought.

(3) Assist mothers of children born out of wedlock in establishing paternity and obtaining a support order, including an order for health insurance coverage under IC 27-8-23, when the mother has applied for assistance.

(4) Implement income withholding in any Title IV-D case:

(A) with an arrearage; and

(B) without an order issued by a court or an administrative agency.

(5) Enforce intrastate and interstate support orders using high volume automated enforcement features.

(6) Use a simplified procedure for the review and adjustment of support orders as set forth in 42 U.S.C. 666(a)(10).

(7) In any Title IV-D case, petition:

(A) a court to:

(i) establish paternity for a child born out of wedlock; and

(ii) establish a support order, including an order for health insurance coverage under IC 27-8-23, IC 31-14-11-3, or IC 31-16-6-4; and

(B) a court to establish or modify a support order, 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:

(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).

(f) Unless otherwise required by federal law, not more than seventy-five (75) days after a written request by a recipient, the bureau shall provide an accounting report to the recipient that identifies the

bureau's claim to a child support payment or arrearage.

(g) The bureau, the department of child services, and the department of state revenue may not charge a custodial parent a fee to seek or receive a payment through a federal tax refund offset as described in subsection (c).

(h) When the payment of support has been assigned to the state by the application of assistance under Title IV-A or Title IV-E, the Title IV-D agency shall:

(1) first provide notice to the obligee and the obligor that the payment of support has been assigned to the state; and

(2) direct the clerk of court or the state central collection unit to forward the child support payment directly to the Title IV-D agency without further notice of the court.

(i) A payment directed to the Title IV-D agency under subsection (h) shall be disbursed in accordance with federal regulations governing the Title IV-D program.

SECTION 46. IC 34-47-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) For the purpose of procuring personal jurisdiction over a person who has allegedly violated a court order or who is otherwise in contempt of court, the court may issue a writ of attachment of the body of the person.

(b) A writ of attachment issued under subsection (a) shall:

(1) be directed to a sheriff or assisting sheriff; and

(2) fix an amount of:

(A) bail, if the order that the person has allegedly violated does not concern a child support obligation; or

(B) escrow, if the order that the person has allegedly violated concerns a child support obligation.

(c) A sheriff or assisting sheriff who receives an order under this section shall immediately:

(1) serve the writ; and

(2) take the person into custody.

A sheriff may serve a writ of attachment and take the person into custody in any county.

(d) If an assisting sheriff takes a person into custody, the assisting sheriff shall notify the sheriff. The sheriff, after notification, shall immediately return the person to the county in which the writ was issued and take the person before the court that issued the writ. However, the sheriff may release the person:

(1) on bail as in criminal matters; or

(2) after any person has deposited the amount of escrow in accordance with subsection (e).

(e) The escrow shall be:

(1) deposited with the clerk of the court;

(2) an amount:

(A) fixed by the court; and

(B) not more than any delinquent child support allegedly owed by the person to another; and

(3) subject to a court ordered attachment for satisfaction of delinquent child support and interest under ~~IC 31-14-12-1.~~ **IC 31-16-12-2.**

(f) All escrow money collected under this section (or IC 34-4-9-2.1 before its repeal) by the clerk of the court shall be deposited into a single account. The clerk shall:

(1) keep an accounting of all money transferred to the escrow account;

(2) issue a receipt to any person who transfers money to the clerk under this section; and

(3) transfer money from the escrow account only under an order from the court that issued the writ of attachment under subsection (a).".

Renumber all SECTIONS consecutively.

(Reference is to SB 6 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 0.

Senator Steele, Chairperson