

Emergency Rule
LSA Document #10-802(E)

DIGEST

Temporarily adds rules concerning a casino licensee or trustee that is required under [IC 4-33-4-27](#) or [IC 4-35-4-16](#) to withhold cash winnings from a child support obligor who is delinquent in child support. Statutory authority: [IC 4-33-4-2](#); [IC 4-33-8.5-5\(b\)](#); [IC 4-35-4-2](#); [IC 4-35-6.5-13\(b\)](#). Effective December 31, 2010.

SECTION 1. (a) This document applies to casino licensees and trustees.

(b) The definitions in [IC 4-33](#), [IC 4-35](#), and [68 IAC 1-1](#) apply to this document.

SECTION 2. (a) The casino licensee or trustee shall submit to the executive director internal control procedures concerning the withholding of cash winnings from delinquent.

(b) The casino licensee or trustee shall stamp or otherwise mark each page of the internal control procedures with the word "Confidential" if the material submitted is not subject to disclosure under [IC 4-33](#), [IC 4-35](#), or [IC 5-14](#), or all.

(c) The internal control procedures for withholding cash winnings from delinquent obligors shall include, without limitation, the following:

- (1) The procedure by which the casino licensee or trustee shall appropriately distribute information obtained from the bureau under [IC 4-33-4-27](#) or [IC 4-35-4-16](#) to the persons whose job functions require them to participate in the process of withholding cash winnings from delinquent obligors.**
- (2) The job titles of the persons employed by the casino licensee or trustee who are responsible for receiving and disseminating the information that the casino licensee or trustee receives from the bureau.**
- (3) The method that the casino licensee or trustee proposes for keeping confidential information from being disseminated improperly.**
- (4) How the casino licensee or trustee will inform the obligor of appeal rights under the bureau's rules.**
- (5) How the casino licensee or trustee will communicate with the bureau when the casino licensee or trustee has withheld monies under [IC 4-33-4-27](#) or [IC 4-35-4-16](#).**
- (6) How the casino licensee or trustee will transmit the withheld funds to the bureau.**
- (7) The department within the casino licensee's or trustee's organization that will communicate with the bureau.**
- (8) Alternative measures that the casino licensee or trustee will utilize in case of a malfunction or emergency.**
- (9) Which job title is responsible for communicating to the bureau the information described in [IC 4-33-4-27\(b\)\(2\)\(B\)](#) or [IC 4-35-4-16\(b\)\(2\)\(B\)](#).**
- (10) Which job title is responsible for issuing to the obligor the receipt described in [IC 4-33-4-27\(b\)\(2\)\(C\)](#) or [IC 4-35-4-16\(b\)\(2\)\(C\)](#).**
- (11) The measures the casino licensee or trustee will take to ensure compliance with [IC 4-33-4-27](#) or [IC 4-35-4-16](#), and this document.**
- (12) Any other information the commission or the executive director deems necessary to ensure compliance with [IC 4-33-4-27](#) or [IC 4-35-4-16](#), and this document.**

(d) The executive director shall, in writing, approve or reject the internal control procedures submitted under this SECTION. The casino licensee or trustee shall revise and resubmit, within fourteen (14) days of rejection, any portion of the internal control procedures that the executive director rejects. The casino licensee or trustee shall follow this procedure until the executive director has approved all portions of the internal control procedures, or until the casino licensee or trustee cannot obtain approval.

(e) The casino licensee or trustee may not utilize internal control procedures unless and until the executive director has approved, in writing, the internal control procedures.

(f) The casino licensee or trustee must comply with the internal control procedures that the executive director has approved in writing, in accordance with this SECTION.

SECTION 3. (a) The casino licensee or trustee may amend its internal control procedures submitted under this document.

(b) The casino licensee or trustee must submit to the executive director amendments to any portion of the internal control procedures at least thirty (30) days before the casino licensee or trustee seeks to utilize the proposed amended internal control procedure.

(c) The executive director shall, in writing, approve or reject, in total or in part, the amendment to the internal control procedures.

(d) The casino licensee or trustee shall not utilize the amended internal control procedures unless and until the executive director approves the proposed amendment in writing.

(e) In the event of an emergency, the casino licensee or trustee may amend the internal control procedures. The executive director must agree, in writing, that an emergency exists prior to the emergency amendment of the internal control procedures.

SECTION 4. (a) The casino licensee or trustee shall prepare and submit quarterly to the commission a summary of cash winnings withheld under this SECTION. The summary submitted under this SECTION shall include, without limitation, the following information:

- (1) The date on which the casino licensee or trustee withheld the cash winnings.**
- (2) The amount of cash withheld for delinquent child support.**
- (3) The amount of cash retained for an administrative fee in accordance with [IC 4-33-4-27\(b\)\(1\)](#) or [IC 4-35-4-16\(b\)\(1\)](#).**
- (4) The following information from the obligor:**
 - (A) full name;**
 - (B) address;**
 - (C) last four (4) digits of Social Security number; and**
 - (D) the child support case identifier for the case to which the bureau will apply the withheld cash winnings.**
- (5) The name of the person who prepared the summary.**

(b) The casino licensee or trustee shall prepare and submit quarterly to the commission an updated list of the names of the casino employees who are authorized to participate in the withholding process.

SECTION 5. Failure to comply with document or failure to withhold delinquent child support from cash winnings may result in the commission taking disciplinary action under [68 IAC 13](#).

SECTION 6. (a) The executive director or the commission may approve deviations from the provisions of this document if the executive director or commission determines that the:

- (1) procedure or requirement is impractical or burdensome; and**
- (2) alternative means of satisfying the procedure or requirement:**
 - (A) fulfill the purpose of this document;**
 - (B) are in the best interest of the public and the gaming industry; and**
 - (C) do not violate [IC 4-33](#) or [IC 4-35](#).**

(b) If a casino licensee or trustee wishes to request a deviation from the provisions of this document, the casino licensee or trustee must do so in writing to the executive director.

SECTION 7. This document expires on March 31, 2010.

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Filed with Publisher: December 30, 2010, 1:11 p.m.

Posted: 01/05/2011 by Legislative Services Agency

An [html](#) version of this document.