



CHILD CUSTODY AND SUPPORT ADVISORY COMMITTEE

Legislative Services Agency
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Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

Members

Rep. Vanessa Summers, Chairperson
Rep. John Day
Rep. David Frizzell
Rep. David Yarde
Sen. Brent Steele
Sen. Brent Waltz
Sen. James Arnold
Sen. Greg Taylor
Gregory A. DeVries
Judge Marianne Vorhees
Robert Bishop, Esq
Bruce Pennamped, Esq

LSA Staff:

Eliza Houston Stephenson, Attorney for the Committee
Bill Brumbach, Fiscal Analyst for the Committee

Authority: IC 33-24-11-1

MEETING MINUTES¹

Meeting Date: October 20, 2010
Meeting Time: 1:30 P.M.
Meeting Place: State House, 200 W. Washington St., Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Rep. Vanessa Summers, Chairperson; Sen. Brent Steele; Sen. Brent Waltz; Sen. James Arnold; Sen. Greg Taylor; Gregory A. DeVries; Robert Bishop, Esq; Bruce Pennamped, Esq.

Members Absent: Rep. John Day; Rep. David Frizzell; Rep. David Yarde; Judge Marianne Vorhees.

Representative Vanessa Summers, Chairperson, called the third meeting of the Child Custody and Support Advisory Committee (Committee) to order at 1:40 P.M.

Consideration of Legislation

The members received Preliminary Draft 3380², which would amend the

¹ These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at <http://www.in.gov/legislative> Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies.

² Exhibit 1

registration deadline for putative fathers as follows:

Provides that the putative father of a child, to be entitled to notice of the adoption of the child, must have registered with the state department of health before the later of the following time limits: (1) within 90 days after the child's birth; or (2) on or before the date of filing of (A) the petition for the child's adoption or (B) a petition for termination of the parent-child relationship between the child and the child's mother, whichever is filed earlier. (Under current law, the time limit pertaining to the date of birth is within 30 days after the child's birth.)

Mr. Steven Kirsh, an adoption attorney, provided a handout³ to Committee members concerning information on states with putative father registries and the time period in which men were required to register with the state's putative father registry. Mr. Kirsh discussed his involvement with and explained the history of the putative father registry statutes in Indiana. He stated that thirty-four states now have putative father registries and that most of the states require men to register within thirty days of a child's birth or earlier.

Mr. Kirsh also discussed the following: (1) The baby Jessica case and the recent case in Ohio concerning Ohio's putative father registry laws. (2) Thirteen thousand six hundred and seventy-three men have registered with Indiana's putative father registry, approximately nine hundred each year. (3) Registration alone in Indiana is enough and no further action is required by the man to be entitled to notice of an adoption. (4) The putative father registry gives men the opportunity to protect their rights. (5) Allowing a longer time period for a man to register is a benefit to the father of the child but that benefit should be weighed against the risk to the adoptive parents and the birth mother. (6) Allowing a longer time period for a man to register is not in the best interests of the child, adoptive parents, and birth mother. (7) Men have at least ten months to register, the nine months that the woman is pregnant and the thirty days after birth of the child.

In response to a question from Representative Summers about what rights a man has if he does not know that a woman is pregnant, Mr. Kirsh explained that in enacting the putative father registry laws, the General Assembly has determined that requiring a man to register with the putative father registry if the man believes he could potentially be a father of a child is a reasonable burden on a man. Mr. Kirsh stated that other options had been considered. He discussed approaches in other states and possibly imposing criminal penalties against a mother for failing to identify the father of a child. However, he noted that imposing criminal penalties on a mother would not protect the child or the adoptive parents and that the putative father registry is not perfect, but it is the best alternative.

Representative Summers stated that she would like the putative father registry to be better advertised so that men understand their rights. Senator Waltz stated that he believed that the rights of biological parents are very high and that the legislature has to balance the rights of competing groups, on one hand wanting to make adoption as easy as possible, and on the other, the rights of the biological parents. Senator Waltz and Mr. Kirsh discussed what time registration requirements would be appropriate. Mr. Kirsh also stated that expanding the time for registration may discourage some mothers from carrying a child to birth.

Senator Taylor and Mr. Kirsh discussed the \$3,000 in living expenses and the

³ Exhibit 2

medical expenses that a biological mother may receive when placing a child for adoption. In response to Senator Taylor's question about requiring a mother to identify a man as the father of a child, Mr. Kirsh stated that the mother could identify the wrong man as the father and the biological father would still be left out as the real father. Mr. Kirsh said that as an expert in the area he believes allowing more time for registration with the putative father registry is not necessary. He also noted that he was providing his testimony as an expert in the field and that allowing more time for registration would not affect him. He stated that it is the adoptive parents who take the risk. In response to Senator Waltz's question about whether thirty days would be enough for a man who found out on the thirty-third day that he was the father of a child, Mr. Kirsh said no and asked whether one hundred twenty days would be enough for a man who found out on the one hundred and twenty-first day that he was the father of a child. Senator Waltz stated that the biological father's rights are important.

Mr. Kirsh said that the important question is whether the man has been given an opportunity to protect his rights. He stated that he believes the putative father registry law give men that opportunity and that they have ten months to register. Mr. Kirsh also noted that the statutes concerning notice of adoption before the birth of the child gives practitioners a strong incentive to ask a woman to identify the father of a child. He said that if the practitioner can give pre-birth notice, the practitioner can determine before the child is even born whether there will be a problem with adoption. In response to questions from Committee members, Mr. Kirsh stated that actual notice had to be given.

Mr. Kirsh explained that, in the cases he had worked on and as a result of the letters he sent out to potential fathers, only one or two had filed paternity actions. He stated that the harm to fathers was not zero but was pretty small. Senator Waltz cited research by the Federal Bureau of Investigation that found ninety-six percent of people charged with a crime were actually guilty of the crime. He said that the legislature was not going to pass a law that stated all people charged with crime are guilty just because of this research and that similarly fathers' rights should be protected even if there are only a small number that are being harmed.

Representative Summers stated that she may not want to extend the time period in which men can register with the putative father registry, but instead she would like more advertising of the putative father registry. She said that she was not trying to make adoptions harder and that was absolutely not her intent. She stated that she just would like to try to make the law equitable for fathers who want contact with their children. She said that she believes men should have more notice about their rights regarding the putative father registry.

Senator Steele explained that he believed the problem is not the number of days that the men have to register with the putative father registry but whether an unsophisticated young man would know about the putative father registry. Senator Taylor noted that he was tired of children walking around without their parents and that children should know who their parents are.

Ms. Deborah Agard, a representative of the Family and Juvenile Law Committee, Family Law Section, Indiana State Bar Association, discussed the process regarding a child in need of services and termination of parental rights and said that extending the time period for registration with the putative father registry may affect that process. Ms. Agard also stated that the federal guidelines on children in need of services and termination of parental rights should be considered in any changes to the registration requirements of the putative father registry. In response to a question from Senator Taylor, Ms. Agard stated that a father may choose not to have anything to do with his child who has been taken into

custody as a child in need of services.

Ms. Priscilla Kamrath, a representative of Indiana Adoption Agencies United, stated that the adoption agency for which she works explains to birth mothers the importance of identifying fathers. She also said that there is a great deal of bonding and attachment that happens in the first few months of a child's life and that adoptive parents may be more hesitant in building that bond if the time period in which a child could be taken away is extended. Ms. Kamrath stated that she liked the idea of providing more information about the putative father registry.

Other Committee Business

Representative Summers provided a handout⁴ from Mr. Donald Beatty concerning alternatives to incarceration and a summary of his testimony at the Committee meeting on October 6, 2010. Representative Summers asked the Committee members to please read the handout.

Mr. Chris Worden, a family law attorney, discussed the changes to the paternity affidavit statute that were enacted during the last legislative session. He asked why the General Assembly provided in the paternity statute that an agreement to joint legal custody would be void unless a genetic test indicated that the man was the biological father of the child and the man submitted the results of the genetic test to a local health officer within sixty days. Senator Steele explained that some members of the General Assembly wanted to require genetic testing for every man who signed a paternity affidavit and that this language was added in as a compromise. Mr. Worden stated that he was concerned that men did not know where to go to get genetic tests and asked whether information could be made available to a man in the hospital after the birth of his child.

Consideration of Final Report

The Committee received a copy of the draft final report.⁵ The Committee approved the final report by consent in a vote of 8 to 0.

Representative Summers adjourned the meeting at 2:50 P.M.

⁴ Exhibit 3

⁵ Exhibit 4



Child Custody and Support
Advisory Committee

Exhibit 1

Oct. 20, 2011

PRELIMINARY DRAFT
No. 3380

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2011 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 31-19-5-12.

Synopsis: Registration deadline for putative fathers. Provides that the putative father of a child, to be entitled to notice of the adoption of the child, must have registered with the state department of health before the later of the following time limits: (1) within 90 days after the child's birth; or (2) on or before the date of filing of (A) the petition for the child's adoption or (B) a petition for termination of the parent-child relationship between the child and the child's mother, whichever is filed earlier. (Under current law, the time limit pertaining to the date of birth is within 30 days after the child's birth.)

Effective: July 1, 2011.



A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

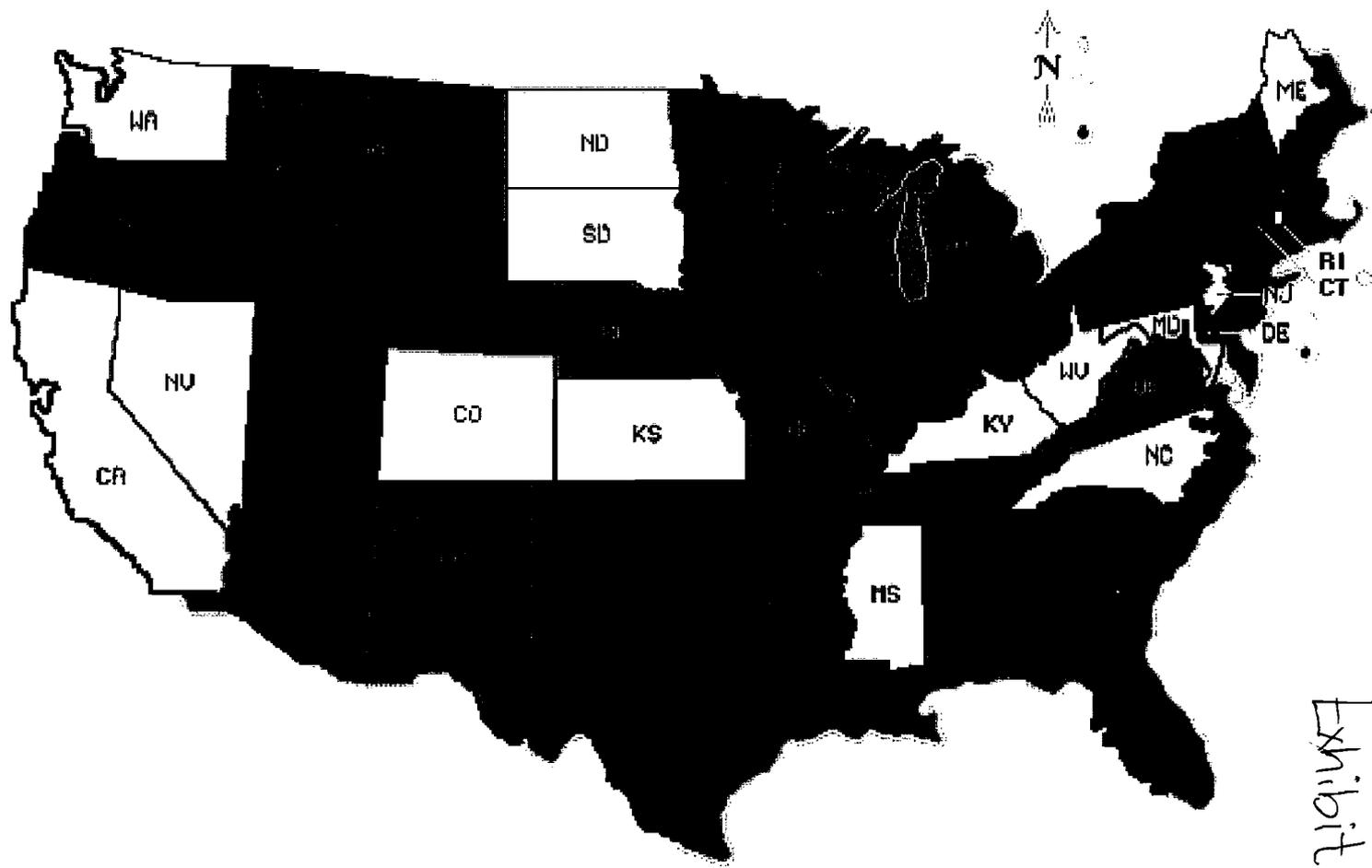
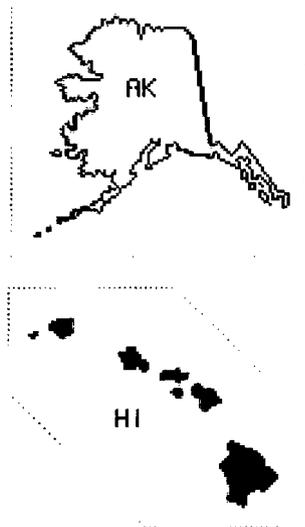
Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-19-5-12, AS AMENDED BY P.L.146-2007,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 12. (a) To be entitled to notice of an adoption
4 under IC 31-19-3 or IC 31-19-4, a putative father must register with the
5 state department of health under section 5 of this chapter not later than:
6 (1) ~~thirty (30)~~ **ninety (90)** days after the child's birth; or
7 (2) the earlier of the date of the filing of a petition for the:
8 (A) child's adoption; or
9 (B) termination of the parent-child relationship between the
10 child and the child's mother;
11 whichever occurs later.
12 (b) A putative father may register under subsection (a) before the
13 child's birth.



States with Putative Father Registries and the Time Frames to Register

- - Prior to filing Pet.
- - 15 Days or Less
- - 16 to 31 Days
- - Greater than 31 Days
- - Prior to BM Consent
- - Prior to Placement



NOTES:
 This information was compiled by Steven N. Kirsh with the assistance of Prof. Mary Beck, University of MO. Law School, by means of a poll conducted of the American Academy of Adoption Attorneys in October 2010.
DISCLAIMER: This Map is intended as a general overview. Every effort has been made to assure that it is accurate. However, before relying on the information depicted on this map with respect to any particular state, a member of the American Academy of Adoption Attorneys should be contacted in that state.

Civil Custody and Support
 Advisory Committee
 Exhibit 2
 Oct 2012/10

Alabama – within 30 days after birth

Arizona – within 30 days after birth

Arkansas – prior to filing of petition for adoption

Connecticut – within 60 days of notice of TPR

Delaware – within 30 days after birth

Florida – prior to filing of TPR*

Georgia – until the birth mother signs a surrender (usually within a day of birth) and when the court enters an order terminating mother's parental rights (involuntary), whichever is earlier*

Hawaii – within 30 days after birth or prior to mother's relinquishment or to placement of child

Idaho – before adoption or TPR proceedings

Illinois – within 30 days after birth

Indiana – within 30 days after birth or prior to filing of adoption

Iowa – prior to child's birth or before filing of adoption or TPR

Louisiana – prior to TPR hearing*

Massachusetts – prior to surrender or TPR

Michigan – before birth

Minnesota – within 30 days after birth

Missouri – within 15 days after birth

Montana – within 3 days after birth

Nebraska – within 5 days after birth

New Hampshire – before mother's surrender or involuntary termination

New Mexico – within 10 days after birth

New York – prior to the setting of the final hearing, but registering does not necessarily protect a man's parental rights, which can be terminated if he has not "acted like a father"*

Ohio – within 30 days after birth

Oklahoma – has a putative father registry but the time limits are not clear

Oregon – before placement for adoption

Pennsylvania – prior to TPR hearing but no sooner than 60 days from birth, but there are other grounds to terminate parental rights even if a man registers*

South Carolina – prior to the filing of the petition for adoption, which can be filed anytime after birth*

Tennessee – within 30 days after birth

Texas – not later than the 31st day after birth

Utah – prior to mother's consent or relinquishment or the first business day after birth of the child, whichever is later*

Vermont – prior to the filing of the petition for adoption, which can be filed anytime after birth*

Virginia – within 10 days after birth*

Wisconsin – within 14 days after birth before

Wyoming – prior to filing interlocutory hearing on petition for adoption

Exhibit 3

Oct. 20, 2010

It seems that ATI programs that work share several components. (1) ged or higher education training,,, voc. training, trade school, or even the new online state run college. (2) job placement help through workone,,, job placement, etc... (3) Life and family couns., I believe that this should be provided to any parent at the reduce price the state would recieve. (4) follow up,,, making sure that the parent understands what is expected of them, that the child support is within the means of that parent, and that the parent is getting the help they need

Page 2, is a cost analysis from an ATI program, jobs not jail, ran in South Carolina

Page 3,4, is an overview of what it takes to run and track the proform. of a state run ATI

On 10-6-10, I informed the committee of what I believe is a 2-tier standard of law for parents, for committing the same offense. Senator Taylor said that parents have different levels of respon., so there should be different standards of law. I disagree. These are the facts. A (NCP) gets prosecuted under 35-46-1-5-(A), knowingly or intentionally fails to provide support,,, along with civil contempt that includes jail time,,, A (CP) gets prosecuted for committing the same offense under 35-46-1-4(3) deprives the dependent of necessary support,, a much harder standard to prove. Senator Taylor forgets that Indiana law creates the different levels of respon. I.E.,,, if Indiana law said that parents shall equally share parenting time,,, then the parents would be held to the same standard of law. For Indiana to take away a persons const rights that has done nothing wrong and, then treat them different under the law because of this, is uncost. and illegal. IF ANYBODY BELIEVES I'M WRONG, THEN PUT THE QUESTION TO A FEDERAL JUDGE, BUT THAT WILL NEVER HAPPEN BECAUSE INDIANA KNOWS THAT IT WOULD BE SUED INTO BANKRPT.

Indiana code 31-17-4-1,,,The parent not granted custody gets reasonable parenting time. While this code is ok, it doesn't represent where Indiana should be on this subject matter. I.C. 31-17-4-1 should read,,, A child(ren) shall have as much time as possible with a parent not granted custody.

Donald Beatty
(260) 568-4884



JOBS NOT JAIL

**Statewide Alternative to Incarceration Component
PROGRAM OUTCOMES (JULY 1, 2006 – July 1, 2009)**

- 1435** Fathers met eligibility requirements and were court ordered into ATI programs located in seven counties throughout the state
- 290** Court ordered fathers were terminated from ATI projects for Non-Compliance with program requirements and were sent back to detention center to serve original sentence
 - Represents 20% of those court ordered
 - When participant is terminated, an Affidavit of Non-compliance is filed in the Family Court and a bench warrant is issued for participant's arrest
- 549** Court ordered fathers completed 24 weeks of classes and graduated from Programs during time period (July 06-July 09)
- 596** Court ordered fathers who were actively enrolled into ATI as of July 1, 2009
- 1145** Participants placed into livable wage employment while participating in Program in 7 counties
- \$6,933,730.00** is the amount of gross earnings from all enrolled participants in programs during reporting period
- \$1,481,022.00** is the amount collected in ongoing child support and arrears payments from all enrolled participants during this reporting period
- \$8,587,500.00** is the amount it would have cost to incarcerate 1145 participants who complied with all program requirements and either graduated or remain actively enrolled in program. Average length of jail sentence for participants is 6 months

COST VS BENEFIT ANALYSIS OF JOBS NOT JAIL

Cost Savings

Cost to serve 1145 men in ATI	\$2,862,500.00
Cost to incarcerate 1145 men for 6 months	\$8,587,500.00
TOTAL SAVINGS:	\$5,725,000.00

Benefits to Families and Society

Total amount of Child support paid (arrears plus ongoing):	\$1,481,022.00
Total Gross earnings of participants:	\$6,933,730.00
TOTAL BENEFITS TO FAMILIES AND SOCIETY:	\$8,414,752.00
TOTAL SAVINGS AND BENEFITS TO FAMILIES AND SOCIETY:	\$14,139,752.00

FOR EVERY DOLLAR INVESTED IN SERVICES TO THESE FATHERS,
\$5 IS RETURNED TO TAXPAYERS AND LOW-INCOME FAMILIES AS SAVINGS AND BENEFITS

Section 24-28-30. The oversight committee has the following powers and duties:

- (1) to review the implementation of the recommendations made in the Sentencing Reform Commission report of February 2010 including, but not limited to:
 - (a) the plan required from the Department of Probation, Parole and Pardon Services on the parole board training and other goals identified in Section 24-21-10;
 - (b) the report from the Department of Probation, Parole and Pardon Services on its goals and development of assessment tools consistent with evidence-based practices;
 - (c) the report from the Office of Pretrial Intervention Coordinator in the Commission on Prosecution Coordination on diversion programs required by the provisions of Article 11, Chapter 22, Title 17; and
 - (d) the report from the Department of Probation, Parole and Pardon Services on:
 - (i) the number and percentage of individuals placed on administrative sanctions and the number and percentage of individuals who have earned compliance credits; and
 - (ii) the number and percentage of probationers and parolees whose supervision has been revoked for violations of conditions or for convictions of new offenses;
- (2) to request data similar to the information contained in the report required by Section 17-22-1120 from private organizations whose programs are operated through a court and that divert individuals from prosecution, incarceration, or confinement, such as diversion from incarceration for failure to pay child support, and whose programs are sanctioned by, coordinated with, or funded by federal, state, or local governmental agencies;
- (3)(a) to annually calculate:
 - (i) any state expenditures that have been avoided by reductions in the revocation rate as calculated by the Department of Probation, Parole and Pardon Services and reported under Sections 24-21-450 and 24-21-680; and
 - (ii) any state expenditures that have been avoided by reductions in the new felony offense conviction rate as calculated by the Department of Probation, Parole and Pardon Services and reported under Sections 24-21-450 and 24-21-680;
- (b) to develop rules and regulations for calculating the savings in item (3)(a), which shall account at a minimum for the variable costs averted, such as food and medical expenses, and also consider fixed expenditures that are avoided if larger numbers of potential inmates are avoided;
- (c) on or before December first of each year, beginning in 2011, to report the calculations made pursuant to item (3)(a) to the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the South Carolina Supreme Court, and the Governor. The report also shall recommend whether to appropriate up to thirty-five percent of any state expenditures that are avoided as calculated in item (3)(a) to the Department of Probation, Parole and Pardon Services;
- (d) with respect to the recommended appropriations in item (c), none of the calculated savings shall be recommended for appropriation for that fiscal year if there is an increase in the percentage of individuals supervised by the Department of Probation, Parole and

Pardon Services who are convicted of a new felony offense as calculated in subitem (3)(a)(ii);

(e) any funds appropriated pursuant to the recommendations in item (c) shall be used to supplement, not replace, any other state appropriations to the Department of Probation, Parole and Pardon Services;

(f) funds received through appropriations pursuant to this item shall be used by the Department of Probation, Parole and Pardon Services for the following purposes:

(i) implementation of evidence-based practices;

(ii) increasing the availability of risk reduction programs and interventions, including substance abuse treatment programs, for supervised individuals; or

(iii) grants to nonprofit victim services organizations to partner with the Department of Probation, Parole and Pardon Services and courts to assist victims and increase the amount of restitution collected from offenders;

(4) to submit to the General Assembly, on an annual basis, the oversight committee's evaluation of the implementation of the recommendations of the Sentencing Reform Commission report of February 2010;

(5) to make reports and recommendations to the General Assembly on matters relating to the powers and duties set forth in this section, including recommendations on transfers of funding based on the success or failure of implementation of the recommendations; and

(6) to undertake such additional studies or evaluations as the oversight committee considers necessary to provide sentencing reform information and analysis.

Section 24-28-40. (A) The oversight committee members are entitled to such mileage, subsistence, and per diem as authorized by law for members of boards, committees, and commissions while in the performance of the duties for which appointed. These expenses shall be paid from the general fund of the State on warrants duly signed by the chair of the oversight committee and payable by the authorities from which a member is appointed.

(B) The oversight committee is encouraged to apply for and may expend grants, gifts, or federal funds it receives from other sources to carry out its duties and responsibilities.

Section 24-28-50. (A) The oversight committee must use clerical and professional employees of the General Assembly for its staff, who must be made available to the oversight committee.

(B) The oversight committee may employ or retain other professional staff, upon the determination of the necessity for other staff by the oversight committee.

(C) The oversight committee may employ consultants to assist in the evaluations and, when necessary, the implementation of the recommendations of the Sentencing Reform Commission report of February 2010."

Child Custody and Support Advisory Committee

Membership Roster

Representatives

PAM LANDWER WILL INSERT THESE NAMES

Senators

Legislative Services Agency Staff

PAM LANDWER WILL INSERT THESE NAMES

November 1, 2010

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.in.gov/legislative/>

I. STATUTORY DIRECTIVE

The Indiana General Assembly enacted legislation (IC 33-24-11-6) directing the Committee to review custody and educational expenses and other items related to the welfare of a child of a family that is no longer intact. Specifically, the Committee is to consider the following in studying the child support guidelines:

- (1) The mathematics pertaining to the child support guideline chart.
- (2) The actual costs of supporting a child.
- (3) Whether it is appropriate to calculate child support guideline amounts based primarily upon the ability of the parent to pay rather than the financial needs of the child.
- (4) Equality of child support awards for the children of the parties, regardless of birth order.
- (5) A mechanism that may be employed to modify the amount of support to be paid due to a change in financial circumstances or a change in the number of children being supported by either parent.
- (6) The age of a child to the extent that the child may require different amounts of support at different ages.
- (7) Clarification regarding under what circumstances, if any, support may be abated.
- (8) A mechanism that may be employed to ensure that the guidelines are applied flexibly.
- (9) The application of the guidelines to a split custody situation.
- (10) Whether it is appropriate to base child support guidelines upon the premise that the child should enjoy the same standard of living that the child would have enjoyed if the family remained intact.

II. SUMMARY OF WORK PROGRAM

The Committee met three times during the 2010 interim, on September 14, October 6, and October 20. All meetings were held at the State House in Indianapolis.

III. SUMMARY OF TESTIMONY

For a more detailed account, minutes from the Committee can be accessed from the General Assembly Homepage at <http://www.in.gov/legislative/>

The first reference to a witness includes the name of the witness and the person or organization the witness represents. For brevity, any subsequent reference includes only the name of the witness. A witness list is included at the end of the report.

Number of individuals who are in prison for failing to pay child support

Mr. Tim Brown, Director of Legislative Services for the Department of Correction, discussed the number of offenders who are currently incarcerated for failure to pay child support, the costs of incarceration for those offenders, and the rate of return of those offenders released from prison.

Ms. Cynthia Longest, Deputy Director of the Child Support Bureau, Department of Child Services (DCS), discussed the following: (1) The IV-D collections at the end of fiscal year 2009 were \$583 million. (2) IV-D performance measure historical data. (3) IV-D collection data. (4) The license suspension pilot project. (5) Administrative enforcement methods available through the IV-D program. (6) Income withholding and unemployment compensation collections. Ms. Longest also discussed how DCS has looked at what other states are doing to increase child support collections and that DCS has made a huge effort to improve their interface with the federal government.

Other Committee business

Mr. Stuart Showalter with Indiana Custodial Rights Advocates discussed: (1) a program in Virginia that is similar to the project in South Bend in which prosecutors are working with local workforce development staff; and (2) virtual visitation between a parent and child.

Mr. Robert Monday with the Children's Rights Council discussed how courts are not enforcing child support and parenting time equally and that parents should be ensured time with their children.

Top ten states in each of the child support performance factors

Ms. Longest discussed which states were the top ten in each of the child support performance factors and compared incentive money that Indiana has received with that of Washington and Wisconsin.

Putative father registry

Ms. Erin Kellman, Indiana State Registrar, Indiana State Department of Health, discussed the following: (1) The definition of "putative father." (2) The thirty day putative father registry registration requirement. (3) That the State Registrar works to ensure that the information on the registration form is complete. (4) How the putative father registry is advertised. (5) The Ohio case in the national news regarding Ohio's putative father registry laws.

Non-custodial parent outreach initiatives

Ms. Karla Mantia with the Indiana Prosecuting Attorneys Council discussed non-custodial parent initiatives. Ms. Kathy Dvorak, Child Support (Title IV-D) Program Administrator, St. Joseph County Prosecutor's Office, discussed St. Joseph County's

programs for delinquent obligors. Ms. Gina Jones, Child Support Administrator/Deputy Prosecutor, Lake County Prosecutor's Office, discussed the following: (1) The Support for Kids Improvement Program (SKIP). (2) How the child support division in Lake County is starting an information sharing system with Illinois.

Mr. William Welch, Deputy Prosecutor/Child Support Administrator, Monroe County Prosecutor's Office, discussed the following: (1) Non-custodial parent services (NCPS) in Monroe County. (2) The extra expenses in implementing NCPS. (3) The number of child support cases the Monroe County Prosecutor's Office has at a given time. Mr. Andrew Schweller, Deputy Prosecutor, Allen County Prosecutor's Office, discussed the following: (1) The prison population project. (2) Indiana case law regarding incarcerated non-custodial parents. (3) The number of people who are incarcerated each year in Allen County for failure to pay child support.

Contesting Paternity

Mr. Schweller discussed federal and state requirements and process overview of voluntary paternity acknowledgment. Mr Schweller discussed the following: (1) Whether the state or a party may ask for and will be granted a genetic test. (2) Who pays for a genetic test. (3) When and how a paternity affidavit can be rescinded. (4) A mother of a child is required to cooperate with the state in establishing paternity if the mother is receiving assistance under Temporary Assistance for Needy Families. (5) Court cases on the definition of "mistake of material fact" under the paternity affidavit statute.

Other Committee Business

Mr. Donald Beatty discussed the following: (1) His experience with the Wabash County prosecutor's office. (2) That there are different standards for custodial and non-custodial parents and that non-custodial parents are not treated the same as custodial parents, which is a violation of the Fourteenth Amendment of the United States Constitution.

Mr. Showalter discussed the following: (1) Virginia's Intensive Case Monitoring Program. (2) Statistics regarding participants in the program and child support collected from participants in the program.

IV. COMMITTEE FINDINGS AND RECOMMENDATIONS

[Information from the last meeting regarding legislation inserted here]

WITNESS LIST

Mr. Tim Brown, Department of Correction

Ms. Cynthia Longest, Department of Child Services

Mr. Stuart Showalter, Indiana Custodial Rights Advocates

Mr. Robert Monday, Children's Rights Council

Ms. Erin Kellam, Indiana State Department of Health

Ms. Karla Mantia, Indiana Prosecuting Attorneys Council

Ms. Gina Jones, Lake County Prosecutor's Office

Ms. Kathy Dvorak, St. Joseph County Prosecutor's Office

Mr. William Welch, Monroe County Prosecutor's Office

Andrew Schweller, Allen County Prosecutor's Office

Mr. Donald Beatty