

Senate Enrolled Act 324
Various Child Support Matters

Uniform Interstate Family Support Act (UIFSA)

Sections: 1, 2-40, 42-43, 49-52, 53, 56, 58, 59, 62, 63, 64

UIFSA governs how states, tribes, and countries send and receive child support cases from one another. UIFSA is critical to ensuring that all child support cases are handled consistently, which leads to more money going to children and families. Historically, state courts had little recourse in enforcing interstate and international child support cases, so UIFSA was designed to provide a legal framework to allow courts to work together to acquire jurisdiction over out-of-state individuals and resolve child support cases.

All 50 states and most territories adopted UIFSA in the late 90s, and this Act replaces Indiana's current version of UIFSA with the latest 2008 version. The federal *Preventing Sex Trafficking and Strengthening Families Act*, signed into law in September 2014, requires all states to adopt UIFSA 2008 language verbatim by July 1, 2015. There are no major policy or procedure changes. This is mostly cleaning up definitions and ensuring more consistent language, which makes it easier to get child support dollars to children and families.

Prosecutors' Ability to Establish Paternity

Sections: 44-47, 57

A recent Indiana Court of Appeals case brought up a question of the statutory duties of the IV-D prosecutor. The opinion stated that the purpose of the IV-D agency was only to collect child support dollars, which is contrary to federal law. The IV-D agency has other federally-required duties separate from enforcing child support orders, such as establishing paternity and locating non-custodial parents. There is a concern that the opinion might limit the IV-D agency from performing its other duties (specifically establishing paternity) in situations where there is no monetary support order. SEA 324 amends IC 31-14-4 ("Parties Entitled to File Paternity Action") to clarify that if paternity has not already been established in a case, then the IV-D prosecutor is permitted to file a paternity action. It also corrects outdated references to the "office of family and children."

Notification of Adoption Finalization in IV-D Cases

Sections: 54-55

Currently, prosecutors are not being notified when an adoption order is finalized on a child who is the subject of a IV-D case. The lack of notice results in a number of different challenges and occurs frequently across the state. For example, if a current child support order is not being paid by the non-custodial parent, then arrearages continue to accumulate (even once the child is adopted), and the non-custodial parent who is "not paying" can be subject to court sanctions. Prosecutors have limited resources, and by keeping cases open that don't need to be because a child was adopted (thus terminating the obligation for future child support from the birth parent), resources are wasted in getting child support dollars to other children. This Act amends IC 31-19-2-6 ("Contents of [Adoption] Petition") to include, if applicable, a copy of the current child support order and its cause number, and to identify if the case is a IV-D case and thus being handled through a local prosecutor's office. Prosecutors would use this information to close the IV-D case and stop the income withholding from the non-custodial parent.

Technical Corrections

Indiana State Central Collection Unit (INSCCU) Reference

Section: 60

When a non-custodial parent is required to pay child support, he can pay through either the Clerk's office or the Indiana State Central Collection Unit (INSCCU), operated by DCS. One section of code was missing a reference to INSCCU.

Duty to Support a Child

Section: 48

In 2012, Indiana lowered the age, from 21 to 19, when the duty to support a child ends. Most sections of Indiana code were corrected in 2012 to reflect the new age of emancipation, but one section was found that was never updated.

(This does NOT impact post-secondary education support.)

Clarify Distribution of Child Support Dollars Assigned to DCS

Section: 61

When a child eligible to receive federal Title IV-E funds is placed in foster care, any child support that the custodial parent receives on behalf of the child must be assigned to DCS during the child's time in care to reimburse the costs spent on that child. If any funds remain after that reimbursement, the leftover must be used in the best interest of the child. SEA 1434 amends statute to clarify that all child support funds received on behalf of a child receiving federal IV-E funds are used 1) to reimburse federal IV-E funds spent on the child, 2) to reimburse state funds spent on the child, and 3) any leftover must be used in the best interest of the child.

(Statute previously read that any leftover funds after reimbursing the feds/state must be deposited in the state general fund. No child support dollars have ever been deposited in the state general fund.)