

IC 31-14-11

Chapter 11. Support Following Determination of Paternity

IC 31-14-11-0.2

Application of certain amendments to prior law

Sec. 0.2. The amendments made to IC 31-6-6.1-13 by P.L.155-1990 (before its repeal, now codified in this chapter) apply only to a support order issued after June 30, 1990.

As added by P.L.220-2011, SEC.496.

IC 31-14-11-1

Issuance of paternity and child support order upon execution of paternity affidavit

Sec. 1. If:

- (1) a paternity affidavit is executed under IC 16-37-2-2.1; and
- (2) the man who executed the paternity affidavit fails to set forth evidence at a child support hearing that rebuts the man's paternity;

an order establishing paternity and child support for the child named in the paternity affidavit may be obtained at a child support hearing without any further proceedings to establish the child's paternity.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-1.1

Temporary order for child support

Sec. 1.1. In a paternity proceeding, the court shall issue a temporary order for child support if there is clear and convincing evidence that the man involved in the proceeding is the child's biological father.

As added by P.L.257-1997(ss), SEC.39.

IC 31-14-11-2

Support order; relevant factors; immediate income withholding; account at financial institution

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.

As added by P.L.1-1997, SEC.6. Amended by P.L.86-2002, SEC.6; P.L.148-2006, SEC.8; P.L.80-2010, SEC.22.

IC 31-14-11-2.5

Claiming child for tax purposes; considerations; conditions

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.

As added by P.L.210-2011, SEC.3.

IC 31-14-11-3

Expenses for child's higher education and health care; Title IV-D fees

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.

As added by P.L.1-1997, SEC.6. Amended by P.L.86-2002, SEC.7; P.L.80-2010, SEC.23.

IC 31-14-11-4

Postsecondary education expenses; reduction of other child support

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.

As added by P.L.1-1997, SEC.6. Amended by P.L.2-2007, SEC.358.

IC 31-14-11-5

Date for support obligation to begin

Sec. 5. The support order:

(1) may include the period dating from the birth of the child; and

(2) must include the period dating from the filing of the

paternity action.
As added by P.L.1-1997, SEC.6.

IC 31-14-11-6

Setting aside parent's property

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.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-7

Security, bond, or guarantee of obligation

Sec. 7. The court may provide in:

- (1) a support order; or
- (2) modification of a support order;

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

As added by P.L.1-1997, SEC.6. Amended by P.L.171-2001, SEC.2.

IC 31-14-11-8

Modification or revocation of support order

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.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-9

Support payments to appropriate person

Sec. 9. The court may order that support payments be made to any appropriate person.

As added by P.L.1-1997, SEC.6. Amended by P.L.148-2006, SEC.9.

IC 31-14-11-10

Use of support exclusively for child's benefit; Title IV-D disbursements and fees

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).

As added by P.L.1-1997, SEC.6.

IC 31-14-11-11

Clerk or state central collection unit as trustee for remittance

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.

As added by P.L.1-1997, SEC.6. Amended by P.L.257-1997(ss), SEC.36; P.L.145-2006, SEC.225; P.L.148-2006, SEC.10; P.L.3-2008, SEC.229.

IC 31-14-11-12

Forwarding of payments to Title IV-D agency

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 federal Title IV-A assistance program (42 U.S.C. 601 et seq.); and
- (2) an assignment of support rights in favor of the state is in effect against the person obligated to make child support payments;

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.

As added by P.L.1-1997, SEC.6. Amended by P.L.257-1997(ss), SEC.37.

IC 31-14-11-13

Records; accounting

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 and 15 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).

As added by P.L.1-1997, SEC.6.

IC 31-14-11-14

Duty to furnish information; exception

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) 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.

As added by P.L.1-1997, SEC.6. Amended by P.L.138-2001, SEC.9; P.L.80-2010, SEC.24.

IC 31-14-11-15

Notice of change of address, federal assistance, and other conditions affecting support order

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.

As added by P.L.1-1997, SEC.6. Amended by P.L.213-1999, SEC.10; P.L.148-2006, SEC.11; P.L.1-2007, SEC.191; P.L.3-2008, SEC.230;

P.L.1-2009, SEC.157.

IC 31-14-11-16

Duty of noncustodial parent to furnish employer and health insurance information and Social Security number

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.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-17

Funeral expenses

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.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-18

Termination of child support

Sec. 18. The duty to support a child under this article (or IC 31-6-6.1 before its repeal) ceases when the child becomes twenty-one (21) years of age unless either of the following conditions occurs:

- (1) The child is emancipated before the child becomes twenty-one (21) 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.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-19

Effect of child's emancipation or death of parent obligated to pay support

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.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-20

Death of parent obligated to pay support; modification or revocation of support

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.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-21

Claim against parent's estate

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.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-22

Collection of arrearages

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.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-23

Termination of child support obligation; fraud or mistake of fact

Sec. 23. If a court vacates or has vacated a man's paternity of a child based on fraud or mistake of fact, the man's child support obligation, including any arrearage, terminates.

As added by P.L.1-1997, SEC.6.

IC 31-14-11-24

Accounting of future expenditures

Sec. 24. After a proper showing of necessity, the court may order the person receiving child support to provide an accounting of future expenditures.

As added by P.L.1-1997, SEC.6.