

## **IC 31-14-12**

### Chapter 12. Enforcement of Support Order Following Determination of Paternity

#### **IC 31-14-12-1**

##### **Delinquent child support payments; interest charges**

Sec. 1. (a) A court may, upon application by a person or an agency entitled to receive child support payments ordered by the court, order interest charges equal to one and one-half percent (1.5%) per month to be paid on any delinquent child support payment that occurs. The person or agency may apply for interest:

- (1) at the time the support order is issued or modified; or
- (2) whenever support payments are not made in accordance with the support order.

(b) Interest charges may be collected in the same manner as support payments.

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

#### **IC 31-14-12-2**

##### **Enforcement of judgment; income withholding order**

Sec. 2. Upon application for enforcement of a support order, the court may:

- (1) enforce a judgment created under IC 31-16-16-2 (or IC 31-2-11-8 before its repeal) for the unpaid amount;
- (2) issue an income withholding order as provided in IC 31-16-15-0.5; or
- (3) implement an existing income withholding order as provided in IC 31-16-15-2.

*As added by P.L.1-1997, SEC.6. Amended by P.L.103-2007, SEC.15.*

#### **IC 31-14-12-2.5**

##### **State income tax setoff; delinquent child support**

Sec. 2.5. (a) This section does not apply to a support order entered in a Title IV-D case.

(b) A custodial parent may, under IC 31-16-12.5, seek a setoff of the state income tax refund of a child support obligor against whom a child support order was entered under IC 31-14-11.

(c) A custodial parent may not be charged a fee to seek a setoff of a state income tax refund as described in subsection (b).

*As added by P.L.27-2004, SEC.3. Amended by P.L.103-2007, SEC.16.*

#### **IC 31-14-12-3**

##### **Contempt**

Sec. 3. (a) If the court finds that a party is delinquent as a result of an intentional violation of an order for support, the court may find the party in contempt of court.

(b) If an action or request to enforce payment of a child support arrearage is commenced not later than ten (10) years after:

- (1) the child becomes eighteen (18) years of age; or

(2) the emancipation of the child;  
whichever occurs first, the court may, upon a request by the person or agency entitled to receive child support arrearages, find a party in contempt of court.

(c) The court may order a party who is found in contempt of court under this section to:

(1) perform community restitution or service without compensation in a manner specified by the court; or

(2) seek employment.

*As added by P.L.1-1997, SEC.6. Amended by P.L.32-2000, SEC.16; P.L.123-2001, SEC.1; P.L.86-2002, SEC.8.*

#### **IC 31-14-12-4**

##### **Suspension of delinquent person's driving privileges**

Sec. 4. If a court finds that a person is delinquent (as defined in IC 31-25-4-2) as a result of an intentional violation of an order for support, the court shall issue an order to the bureau of motor vehicles:

(1) stating that the person is delinquent; and

(2) ordering the following:

(A) If the person who is the subject of the order holds a driving license or permit on the date of issuance of the order, that the driving privileges of the person be suspended until the bureau receives a further order of the court recommending reinstatement.

(B) If the person who is the subject of the order does not hold a driving license or permit on the date of issuance of the order, that the bureau may not issue a driving license or permit to the person until the bureau receives a further order of the court recommending issuance.

*As added by P.L.1-1997, SEC.6. Amended by P.L.145-2006, SEC.226.*

#### **IC 31-14-12-5**

##### **Suspension or denial of delinquent person's professional license**

Sec. 5. If a court finds that a person who is an applicant (as defined in IC 25-1-1.2-1), a practitioner (as defined in IC 25-1-1.2-6), an attorney, or a licensed teacher is delinquent (as defined in IC 31-25-4-2) as a result of an intentional violation of an order for support, the court shall issue an order to the board regulating the practice of the person's profession or occupation:

(1) requiring that the person's or practitioner's license be suspended until further order of the court; or

(2) ordering the board not to issue a license to the person who is the subject of the order if the person does not currently hold a license.

*As added by P.L.1-1997, SEC.6. Amended by P.L.145-2006, SEC.227.*

#### **IC 31-14-12-6**

**Suspension of delinquent person's horse racing commission or gaming commission license**

Sec. 6. If a court finds that a person who holds a license issued under IC 4-31-6, IC 4-33, or IC 4-35 is delinquent (as defined in IC 31-25-4-2) as a result of an intentional violation of an order for child support, the court shall issue an order to:

- (1) the Indiana horse racing commission if the person holds a license issued under IC 4-31-6; or
- (2) the Indiana gaming commission if the person holds a license issued under IC 4-33 or IC 4-35;

requiring that the person's license be suspended until further order of the court.

*As added by P.L.1-1997, SEC.6. Amended by P.L.145-2006, SEC.228; P.L.80-2010, SEC.25.*

**IC 31-14-12-7**

**Suspension, denial, or nonrenewal of delinquent person's insurance, recovery, or bail agent's license**

Sec. 7. If a court finds that a person who holds a license or who is an applicant for a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 is delinquent (as defined in IC 31-25-4-2) as a result of an intentional violation of an order for child support, the court shall issue an order to the commissioner of the department of insurance:

- (1) requiring that the person's license be suspended until further order of the court;
- (2) ordering the commissioner not to issue a license to the person who is the subject of the order if the person does not currently hold a license; or
- (3) ordering the commissioner not to renew the license of the person who is the subject of the order.

*As added by P.L.1-1997, SEC.6. Amended by P.L.132-2001, SEC.22; P.L.145-2006, SEC.229.*

**IC 31-14-12-8**

**Provision of information regarding delinquent person to licensing authority**

Sec. 8. The Title IV-D agency shall provide the full name, date of birth, verified address, and Social Security number or driving license number of the person who is the subject of an order under:

- (1) section 4 of this chapter to the bureau of motor vehicles;
- (2) section 5 of this chapter to the board regulating the person's profession or occupation;
- (3) section 6 of this chapter to the Indiana horse racing commission or the Indiana gaming commission; and
- (4) section 7 of this chapter to the commissioner of the department of insurance.

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

**IC 31-14-12-9**

**Payment of arrearage; stay of order to licensing authority**

Sec. 9. Notwithstanding section 4, 5, 6, or 7 of this chapter, the court may stay issuance of an order under section 4, 5, 6, or 7 of this chapter (or IC 31-6-6.1-16(j), IC 31-6-6.1-16(k), IC 31-6-6.1-16(l), or IC 31-6-6.1-16(m) before the repeal of IC 31-6-6.1-16) if:

- (1) the person pays the child support arrearage in full; or
- (2) an income withholding order under IC 31-16-15 (or IC 31-2-10 before its repeal) is implemented and a payment plan to pay the arrearage is established.

*As added by P.L.1-1997, SEC.6. Amended by P.L.103-2007, SEC.17.*

#### **IC 31-14-12-10**

##### **Suspension, denial, or nonrenewal of delinquent person's employee's permit**

Sec. 10. If a court finds that a person who holds or has applied for an employee's permit issued under IC 7.1-3-18-9(a)(3) is delinquent (as defined in IC 31-25-4-2) as a result of an intentional violation of an order for child support, the court shall issue an order to the alcohol and tobacco commission that:

- (1) requires the person's employee's permit be suspended until further order of the court;
- (2) orders the chairman of the alcohol and tobacco commission not to issue an employee's permit to the person who is the subject of the order if the person does not currently hold an employee's permit; or
- (3) orders the chairman of the alcohol and tobacco commission not to renew the employee's permit of the person who is the subject of the order.

*As added by P.L.80-2010, SEC.26.*

#### **IC 31-14-12-11**

##### **Due process met for notice and service of process; service in contempt proceedings**

Sec. 11. (a) Except as otherwise provided in subsection (b), in any subsequent child support enforcement action between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of the party by a prosecuting attorney, private attorney, or private entity operating under an agreement or contract described in IC 31-25-4-13.1, the court or administrative agency with jurisdiction shall deem state due process requirements for notice and service of process to be met with respect to the party required to provide notice, upon mailing of written notice to the other party at the most recent residential or employer address that is filed with the clerk or state central collection unit.

(b) IC 34-47-4 applies to service of an order directing an obligor to appear in a contempt proceeding.

*As added by P.L.80-2010, SEC.27.*