

Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1406

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:

SECTION 1. IC 4-31-6-11, AS AMENDED BY P.L.103-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. (a) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-32(h) **or IC 31-25-4-34(c)**, the commission shall ~~send to the person who is the subject of the order a notice that does the following:~~

(1) States that the person is delinquent and is subject to an order placing the person on probationary status;

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed; the commission shall place the person on probationary status with respect to any license issued to the person under this chapter.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date

HEA 1406 — Concur



the notice is mailed:

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and

(C) request a hearing under IC 31-25-4-33.

(6) Explains that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

place on probationary status any license issued under this chapter and held by the person who is the subject of the order. The commission shall send the person a notice that does the following:

(1) States that the person's license has been placed on probationary status.

(2) States that the person's license will be suspended if the commission has not received notice from the bureau under IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the date of the notice.

(3) Describes the amount of child support that the person is in arrears.

(4) Explains the procedures to:

(A) pay the person's child support arrearage in full; and

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-34(c), the commission shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under this chapter has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or



(B) established a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

(2) That if the commission is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed; the commission shall suspend the person's license.

(c) If a person whose license has been placed on probationary status fails to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the notice required under subsection (b) is mailed; the commission shall suspend the person's license.

(b) If the commission has not received notice from the bureau under IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the date of the notice in subsection (a), the commission shall suspend the license issued to the person under this chapter.

(d) (c) The commission may not reinstate a license placed on probation **probationary status** or suspended under this section until the commission receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

under IC 31-25-4-32(m) or IC 31-25-4-34(g) that the person has addressed the delinquency.

SECTION 2. IC 4-33-8.5-3, AS AMENDED BY P.L.103-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-32(h) or **IC 31-25-4-34(c)**, the commission shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

(2) Explains that unless the person contacts the bureau and:



- (A) pays the person's child support arrearage in full;
 - (B) establishes a payment plan with the bureau to pay the arrearage; which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
 - (C) requests a hearing under IC 31-25-4-33;
- within twenty (20) days after the date the notice is mailed; the commission shall place the person on probationary status with respect to any license issued to the person under this chapter.
- (3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.
 - (4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.
 - (5) Explains the procedures to:
 - (A) pay the person's child support arrearage in full;
 - (B) establish a payment plan with the bureau to pay the arrearage; which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and
 - (C) request a hearing under IC 31-25-4-33.
 - (6) Explains that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:
 - (A) paid the person's child support arrearage in full; or
 - (B) established a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

place on probationary status any license issued under this article and held by the person who is the subject of the order. The commission shall send the person a notice that does the following:

- (1) States that the person's license has been placed on probationary status.
- (2) States that the person's license will be suspended if the commission has not received notice from the bureau under IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the date of the notice.
- (3) Describes the amount of child support that the person is in arrears.
- (4) Explains the procedures to:
 - (A) pay the person's child support arrearage in full; and



(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-34(c), the commission shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under this article has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

- (A) paid the person's child support arrearage in full; or
- (B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

(2) That if the commission is advised by the bureau that the person whose license has been placed on probationary status has failed to:

- (A) pay the person's child support arrearage in full; or
- (B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the commission shall suspend the person's license:

(c) If a person whose license has been placed on probationary status fails to:

- (1) pay the person's child support arrearage in full; or
- (2) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the notice required under subsection (b) is mailed, the commission shall suspend the person's license:

(b) If the commission has not received notice from the bureau under IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the date of the notice in subsection (a), the commission shall suspend the license issued to the person under this article.

~~(c)~~ (c) The commission may not reinstate a license placed on probation **probationary status** or suspended under this section until the commission receives a notice from the bureau that the person has:

- (1) paid the person's child support arrearage in full; or
- (2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under



IC 31-16-15-2 or IC 31-16-15-2.5.
under IC 31-25-4-32(m) or IC 31-25-4-34(g) that the person has addressed the delinquency.

SECTION 3. IC 4-35-6.7-2, AS ADDED BY P.L.80-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-32(h) **or IC 31-25-4-34(c)**, the commission shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status:

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) establishes a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed; the commission shall place the person on probationary status with respect to any license issued to the person under this chapter:

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed:

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact:

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and

(C) request a hearing under IC 31-25-4-33.

(6) Explains that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

place on probationary status any license issued under this article



and held by the person who is the subject of the order. The commission shall send the person a notice that does the following:

- (1) States that the person's license has been placed on probationary status.
- (2) States that the person's license will be suspended if the commission has not received notice from the bureau under IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the date of the notice.
- (3) Describes the amount of child support that the person is in arrears.
- (4) Explains the procedures to:
 - (A) pay the person's child support arrearage in full; and
 - (B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-34(c), the commission shall send to the person who is the subject of the order a notice that states the following:

- (1) That a license issued to the person under this article has been placed on probationary status; beginning five (5) business days after the date the notice is mailed; and that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:
 - (A) paid the person's child support arrearage in full; or
 - (B) established a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the commission is advised by the bureau that the person whose license has been placed on probationary status has failed to:

- (A) pay the person's child support arrearage in full; or
- (B) establish a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed; the commission shall suspend the person's license.

(c) If a person whose license has been placed on probationary status fails to:

- (1) pay the person's child support arrearage in full; or
- (2) establish a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;



within twenty (20) days after the notice required under subsection (b) is mailed; the commission shall suspend the person's license:

(b) If the commission has not received notice from the bureau under IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the date of the notice in subsection (a), the commission shall suspend the license issued to the person under this article.

~~(d)~~ **(c)** The commission may not reinstate a license placed on probation **probationary status** or suspended under this section until the commission receives a notice from the bureau ~~that the person has:~~

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; as required by IC 4-35-4-16:

under IC 31-25-4-32(m) or IC 31-25-4-34(g) that the person has addressed the delinquency.

SECTION 4. IC 6-8.1-9.5-6, AS AMENDED BY HEA 1262-2018, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. A debtor who receives written notice pursuant to section 5 of this chapter is entitled to contest the claimant agency's right to the debt and set off at a hearing only if the debtor, **within not later than thirty (30) days of the debtor's receipt of notice after the date the written notice was mailed to the debtor**, mails to the claimant agency written notice that the debtor intends to contest the claimant agency's right to the debt.

SECTION 5. IC 7.1-3-23-44, AS ADDED BY P.L.80-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 44. (a) As used in this section, "bureau" refers to the child support bureau of the department of child services ~~establish~~ **established** by IC 31-25-3-1.

(b) As used in this section, "delinquent" has the meaning set forth in IC 4-35-2-3.5.

(c) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-32(k) **or IC 31-25-4-34(f)**, the commission shall send to the person who is the subject of the order a notice that includes the following information:

(1) The person is delinquent and subject to an order placing the person on probationary status:

(2) That unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) establishes a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or



- (C) requests a hearing under IC 31-25-4-33;
 within twenty (20) days after the date the notice is mailed; the
 commission shall place the person on probationary status with
 respect to a permit issued to the person under IC 7.1-3-18-9(a)(3).
 (3) The person may contest the bureau's determination that the
 person is delinquent and subject to an order placing the person on
 probationary status by making written application to the bureau
 within twenty (20) days after the date the notice is mailed.
 (4) The only basis for contesting the bureau's determination that
 the person is delinquent and subject to an order placing the person
 on probationary status is a mistake of fact.
 (5) The procedures to:
 (A) pay the person's child support arrearage in full;
 (B) establish a payment plan with the bureau to pay the
 arrearage; which includes an income withholding order under
 IC 31-16-15-2 or IC 31-16-15-2.5; and
 (C) request a hearing under IC 31-25-4-33.
 (6) The probation will end ten (10) business days after the date
 that the commission receives a notice from the bureau that the
 person has:
 (A) paid the person's child support arrearage in full; or
 (B) established a payment plan with the bureau to pay the
 arrearage; which includes an income withholding order under
 IC 31-16-15-2 or IC 31-16-15-2.5.

place on probationary status any permit issued under
 IC 7.1-3-18-9(a)(3) and held by the person who is the subject of the
 order. The commission shall send the person a notice that does the
 following:

- (1) States that the person's permit has been placed on
 probationary status.
- (2) States that the person's permit will be suspended if the
 commission has not received notice from the bureau under
 IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days
 after the date of the notice.
- (3) Describes the amount of child support that the person is in
 arrears.
- (4) Explains the procedures to:
 - (A) pay the person's child support arrearage in full; and
 - (B) establish a payment plan with the bureau to pay the
 arrearage, which must include an income withholding
 order under IC 31-16-15-2 or IC 31-16-15-2.5.
- (d) If the commission is advised by the bureau that the obligor either



requested a hearing and failed to appear or appeared and was found to be delinquent; the commission shall send to the person who is the subject of the order a notice that states the following:

(1) That a permit issued to the person under IC 7.1-3-18-9(a)(3) has been placed on probationary status; beginning five (5) business days after the date the notice is mailed; and that the probation will end ten (10) business days after the date that the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

(2) That if the commission is advised by the bureau that the person whose permit has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed; the commission shall suspend the person's permit.

(c) If a person whose permit has been placed on probationary status fails to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the notice required under subsection (c) is mailed; the commission shall suspend the person's permit.

(d) If the commission has not received notice from the bureau under IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the date of the notice in subsection (c), the commission shall suspend the permit issued to the person under IC 7.1-3-18-9(a)(3).

(e) The commission may not reinstate a permit placed on probation **probationary status** or suspended under this section until the commission receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

under IC 31-25-4-32(m) or IC 31-25-4-34(g) that the person has



addressed the delinquency.

SECTION 6. IC 9-30-13-7, AS AMENDED BY P.L.217-2014, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) ~~If the bureau is advised by the Title IV-D agency that the obligor (as defined in IC 31-25-4-4) either requested a hearing under IC 31-25-4-33 and failed to appear or appeared and was found to be delinquent,~~ **Upon receiving an order from the Title IV-D agency under IC 31-25-4-32(b) or IC 31-25-4-33,** the bureau shall promptly mail a notice to the obligor **(as defined in IC 31-25-4-4)** stating the following:

(1) That the obligor's driving privileges are suspended, beginning eighteen (18) business days after the date the notice is mailed, and that the suspension will terminate after the bureau receives a notice from the Title IV-D agency ~~that the obligor has:~~

~~(A) paid the obligor's child support arrearage in full; or~~

~~(B) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-0.5 or IC 31-16-15-2.5.~~

under IC 31-25-4-32(m) that the obligor has addressed the delinquency.

(2) That the obligor may be granted specialized driving privileges under IC 9-30-16.

(b) If the bureau has not received notice from the Title IV-D agency under IC 31-25-4-32(m) within eighteen (18) days after the date of the notice in subsection (a), the bureau shall suspend the obligor's driving privileges.

~~(b) (c)~~ The bureau may not reinstate driving privileges suspended under this section until the bureau receives a notice from the Title IV-D agency ~~that the obligor has:~~

~~(1) paid the obligor's child support arrearage in full; or~~

~~(2) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-0.5 or IC 31-16-15-2.5.~~

under IC 31-25-4-32(m) that the obligor has addressed the delinquency.

~~(c) (d)~~ An obligor who operates a motor vehicle in violation of this section commits a Class A infraction, unless:

(1) the obligor's driving privileges are suspended under this section; and

(2) the obligor has been granted specialized driving privileges under IC 9-30-16 as a result of the suspension under this section.

SECTION 7. IC 14-11-3-4, AS AMENDED BY P.L.123-2014,



SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) Upon receiving an order from the bureau under IC 31-25-4-32(j) or **IC 31-25-4-34(e)**, the director shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status:

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full; or

(B) establishes a payment plan with the bureau to pay the arrearage; which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed; the director shall place the person on probationary status with respect to any license issued to the person under IC 14-22-12; IC 14-22-14; IC 14-22-16; IC 14-22-17; IC 14-22-19; IC 14-24-7; or IC 14-31-3:

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed:

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact:

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage; which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5:

(6) Explains that the probation will terminate ten (10) business days after the director receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5:

place on probationary status any license issued under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 and held by the person who is the subject of the order. The director shall send the person a notice that does the following:

(1) States that the person's license has been placed on



probationary status.

(2) States that the person's license will be suspended if the director has not received notice from the bureau under IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the date of the notice.

(3) Describes the amount of child support that the person is in arrears.

(4) Explains the procedures to:

(A) pay the person's child support arrearage in full; and

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) Upon receiving an order from the bureau under IC 31-25-4-34(e), the director shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under IC 14-22-12; IC 14-22-14; IC 14-22-16; IC 14-22-17; IC 14-22-19; IC 14-24-7; or IC 14-31-3 has been placed on probationary status; beginning five (5) business days after the date the notice is mailed; and that the probation will terminate ten (10) business days after the director receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the director is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed; the director shall suspend the person's license.

(c) If a person whose license has been placed on probationary status fails to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage; which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the notice required under subsection (b) is mailed; the director shall suspend the person's license.



(b) If the director has not received notice from the bureau under IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the date of the notice in subsection (a), the director shall suspend the license issued to the person under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3.

(d) (c) The director may not reinstate a license placed on probationary status or suspended under this section until the director receives a notice from the bureau that the person has:

- (1) paid the person's child support arrearage in full; or**
- (2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.**

under IC 31-25-4-32(m) or IC 31-25-4-34(g) that the person has addressed the delinquency.

SECTION 8. IC 22-4-39-2 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 2: An individual filing a new claim for unemployment compensation shall, at the time of filing the claim, disclose whether the individual owes child support obligations as defined in section 1 of this chapter. If the individual discloses that the individual owes child support obligations and is determined to be eligible for unemployment compensation, the department shall notify the state or local child support enforcement agency enforcing that obligation that the individual has been determined to be eligible for unemployment compensation.

SECTION 9. IC 22-4-39-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. The department shall deduct and withhold from any unemployment compensation payable to an individual that owes child support obligations

- (1) the amount specified by the individual state or local child support enforcement agency to the department to be deducted and withheld. under this section, if neither subdivision (2) nor (3) is applicable;**
- (2) the amount (if any) determined pursuant to an agreement submitted to the department under Section 454(20)(B)(1) of the Social Security Act by the state or local child support enforcement agency, unless subdivision (3) is applicable; or**
- (3) any amount otherwise required to be so deducted and withheld from the unemployment compensation pursuant to legal process properly served upon the department.**

SECTION 10. IC 25-1-1.2-8, AS AMENDED BY P.L.103-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) The board shall, upon receiving an order



from the bureau under IC 31-25-4-32(e) or IC 31-25-4-34(b), send a notice to the practitioner identified by the bureau that includes the following:

- (1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status;
- (2) Describes the amount of child support that the practitioner is in arrears;
- (3) Explains that unless the practitioner contacts the bureau and:
 - (A) pays the practitioner's child support arrearage in full;
 - (B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
 - (C) requests a hearing under IC 31-25-4-33;
 within twenty (20) days after the date the notice is mailed; the board shall place the practitioner on probationary status;
- (4) Explains that the practitioner may contest the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed;
- (5) Explains that the only basis for contesting the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact;
- (6) Explains the procedures to:
 - (A) pay the practitioner's child support arrearage in full;
 - (B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and
 - (C) request a hearing under IC 31-25-4-33.
- (7) Explains that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the practitioner has:
 - (A) paid the practitioner's child support arrearage in full; or
 - (B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

place on probationary status any license issued by the board and held by the person who is the subject of the order. The board shall send the practitioner a notice that does the following:

- (1) States that the person's license has been placed on probationary status.



(2) States that the person's license will be suspended if the board has not received notice from the bureau under IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the date of the notice.

(3) Describes the amount of child support that the person is in arrears.

(4) Explains the procedures to:

- (A) pay the person's child support arrearage in full; and
- (B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) If the board is advised by the bureau that the practitioner either requested a hearing and failed to appear or appeared and was found to be delinquent, the board shall promptly mail a notice to the practitioner who is the subject of the order stating the following:

(1) That the practitioner's license has been placed on probationary status, beginning five (5) business days after the date the notice is mailed; and that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the person has:

- (A) paid the person's child support arrearage in full; or
- (B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

- (A) pay the person's child support arrearage in full; or
- (B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed; the board shall suspend the practitioner's license.

(c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

- (1) pay the person's child support arrearage in full; or
- (2) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed; the board shall suspend the practitioner's license.

(b) If the board has not received notice from the bureau under



IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the date of the notice in subsection (a), the board shall suspend the practitioner's license.

(d) (c) The board may not reinstate a license or permit placed on probationary status or suspended under this section until the board receives a notice from the bureau that the person has:

- (1) paid the person's child support arrearage in full; or
- (2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

under IC 31-25-4-32(m) or IC 31-25-4-34(g) that the practitioner has addressed the delinquency.

SECTION 11. IC 27-1-15.6-29, AS AMENDED BY P.L.103-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 29. (a) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-32(i) or **IC 31-25-4-34(d)**, the commissioner shall send to the person who is the subject of the order a notice that does the following:

- (1) States that the person is delinquent and is subject to an order placing the person on probationary status.
- (2) Explains that unless the person contacts the bureau and:
 - (A) pays the person's child support arrearage in full;
 - (B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
 - (C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the commissioner shall place the person on probationary status with respect to a license issued to the person under this chapter.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

- (5) Explains the procedures to:
 - (A) pay the person's child support arrearage in full;
 - (B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and



(C) request a hearing under IC 31-25-4-33.

(6) Explains that the probation will terminate ten (10) business days after the commissioner receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

place on probationary status any license issued under this article and held by the person who is the subject of the order. The commissioner shall send the person a notice that does the following:

(1) States that the person's license has been placed on probationary status.

(2) States that the person's license will be suspended if the commissioner has not received notice from the bureau under IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the date of the notice.

(3) Describes the amount of child support that the person is in arrears.

(4) Explains the procedures to:

(A) pay the person's child support arrearage in full; and

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-34(d), the commissioner shall send a notice to the person who is the subject of the order stating the following:

(1) That a license issued to the person under this chapter has been placed on probationary status, beginning five (5) business days after the date the notice was mailed, and that the probation will terminate ten (10) business days after the commissioner receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the commissioner is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the



arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed; the commissioner shall suspend the person's license.

(c) If the commissioner receives a notice by the bureau (Title IV-D agency) under IC 31-25-4-32(i) that the person whose license has been placed on probationary status has failed to:

- (1) pay the person's child support arrearage in full; or
- (2) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the notice required under subsection (b) is mailed; the commissioner shall suspend the person's license.

(b) If the commissioner has not received notice from the bureau under IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the date of the notice in subsection (a), the commissioner shall suspend the license issued to the person under this article.

~~(d)~~ (c) The commissioner may not reinstate any license placed on probation **probationary status** or suspended under this section until the commissioner receives a notice from the bureau ~~that the person has:~~

- (1) paid the person's child support arrearage in full; or
- (2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

under IC 31-25-4-32(m) or IC 31-25-4-34(g) that the person has addressed the delinquency.

SECTION 12. IC 27-10-3-20, AS AMENDED BY P.L.103-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 20. (a) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-32(i) **or IC 31-25-4-34(d)**, the commissioner shall send to the person who is the subject of the order a notice that does the following:

- (1) States that the person is delinquent and is subject to an order placing the person on probationary status.
- (2) Explains that unless the person contacts the bureau and:
 - (A) pays the person's child support arrearage in full;
 - (B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
 - (C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed; the commissioner shall place the person on probationary status with



respect to any license issued to the person under this chapter.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed:

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and

(C) request a hearing under IC 31-25-4-33.

(6) Explains that the probation will terminate ten (10) business days after the commissioner receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

place on probationary status any license issued under this chapter and held by the person who is the subject of the order. The commissioner shall send the person a notice that does the following:

(1) States that the person's license has been placed on probationary status.

(2) States that the person's license will be suspended if the commissioner has not received notice from the bureau under IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the date of the notice.

(3) Describes the amount of child support that the person is in arrears.

(4) Explains the procedures to:

(A) pay the person's child support arrearage in full; and

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-34(d), the commissioner shall send to the person who is the subject of the order a notice that states the following:



(1) That a license issued to the person under this chapter has been placed on probationary status, beginning five (5) business days after the date the notice is mailed; and that the probation will terminate ten (10) business days after the commissioner receives a notice from the bureau that the person has:

- (A) paid the person's child support arrearage in full; or
- (B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the commissioner is advised by the bureau that the person whose license has been placed on probationary status has failed to:

- (A) pay the person's child support arrearage in full; or
- (B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed; the commissioner shall suspend the person's license.

(c) If the commissioner receives a notice from the bureau (Title IV-D agency) under IC 31-25-4-32(i) that the person whose license has been placed on probationary status has failed to:

- (1) pay the person's child support arrearage in full; or
- (2) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the notice required under subsection (b) is mailed; the commissioner shall suspend the person's license.

(b) If the commissioner has not received notice from the bureau under IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the date of the notice in subsection (a), the commissioner shall suspend the license issued to the person under this chapter.

(c) The commissioner may not reinstate any license placed on probationary status or suspended under this section until the commissioner receives a notice from the bureau that the person has:

- (1) paid the person's child support arrearage in full; or
- (2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

under IC 31-25-4-32(m) or IC 31-25-4-34(g) that the person has addressed the delinquency.

SECTION 13. IC 31-14-4-1, AS AMENDED BY P.L.206-2015, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2018]: Sec. 1. A paternity action may be filed by the following persons:

- (1) The mother or expectant mother.
- (2) A man alleging that:
 - (A) he is the child's biological father; or
 - (B) he is the expectant father of an unborn child.
- (3) The mother and a man alleging that he is her child's biological father, filing jointly.
- (4) The expectant mother and a man alleging that he is the biological father of her unborn child, filing jointly.
- (5) A child.
- (6) If paternity of a child has not been established, the department **by filing an action under this article for a child who is the subject of** in a child in need of services proceeding.
- (7) If the paternity of a child has not been established:
 - (A) the department; or
 - (B) a prosecuting attorney operating under an agreement or contract with the department described in IC 31-25-4-13.1.

SECTION 14. IC 31-16-9-1, AS AMENDED BY P.L.207-2013, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) This subsection applies before January 1, 2007. Upon entering an order for support in:

- (1) a dissolution of marriage decree under IC 31-15-2;
- (2) a legal separation decree under IC 31-15-3; or
- (3) a child support decree under IC 31-16-2;

the court shall require that support payments be made through the clerk of the circuit court as trustee for remittance to the person entitled to receive payments, unless the court has reasonable grounds for providing or approving another method of payment.

(b) Beginning January 1, 2007, except as provided in subsection (c), upon entering an order for support in:

- (1) a dissolution of marriage decree under IC 31-15-2;
- (2) a legal separation decree under IC 31-15-3; or
- (3) a child support decree under IC 31-14-11 or IC 31-16-2;

the court shall require that support payments be made through the clerk of the circuit court or the state central collection unit established by ~~IC 31-33-1.5-8~~, **IC 31-25-3-1**, as trustee for remittance to the person entitled to receive payments, unless the court has reasonable grounds for providing or approving another method of payment.

(c) ~~Beginning January 1, 2007,~~ **The clerk of the circuit court may only accept** child support payments that are paid in cash, ~~must be paid to a clerk of the circuit court,~~ and all noncash **child support** payments



must be paid to the state central collection unit established within the child support bureau by IC 31-25-3-1.

SECTION 15. IC 31-16-15-19, AS AMENDED BY P.L.103-2007, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 19. ~~(a)~~ If an obligor:

(1) is entitled to net income in the form of:

- (A) severance pay;
- (B) accumulated sick pay;
- (C) vacation pay;
- (D) accumulated commissions;
- (E) a bonus payment in addition to regular earned income; or
- (F) other lump sum payment; and

(2) owes an amount of child support that is in arrears;

the income payor shall withhold the amount in arrears ~~or the product computed under subsection (b); whichever is less;~~ up to the maximum permitted under 15 U.S.C. 1673(b).

~~(b) The income payor shall multiply:~~

~~(1) the amount of support the obligor is required to pay each week; by~~

~~(2) the number of weeks represented by the lump sum payment.~~

SECTION 16. IC 31-16-21-1, AS AMENDED BY P.L.148-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) Whenever in any court proceeding an order is in force for the support and maintenance of the other party to the proceeding, the individual required to pay the support shall pay the support.

(b) The clerk, if the payment is in cash, or the state central collection unit, for all ~~other~~ forms of payment, shall collect from the individual, in addition to the payments, the **annual support** fee specified in IC 33-37-5-6.

(c) The clerk may collect any unpaid **annual support** fee **that was due prior to January 1, 2011, through any lawful means.** ~~in a proceeding for contempt.~~

(d) The state central collection unit may collect any unpaid **annual support** fee **due after December 31, 2010,** through any lawful means. ~~including income withholding.~~

(e) The clerk or state central collection unit may contract with a collection agency licensed under IC 25-11 to collect past due annual support fees described in subsections (c) and (d).

SECTION 17. IC 31-25-4-8, AS ADDED BY P.L.145-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. In addition to the duties imposed



by section 7 of this chapter, the bureau shall do the following:

~~(1) Perform one (1) of the following under IC 22-4-39:~~

~~(A) Enter into an agreement with each individual who owes a child support obligation being enforced by the child support bureau and who is eligible for unemployment compensation benefits under IC 22-4 to have a specified amount withheld from the benefits otherwise payable to the individual; not to exceed the individual's unemployment compensation weekly benefit amount.~~

~~(B) Bring legal process to require the withholding of specified amounts from the individual's unemployment compensation benefits.~~

~~(C) Accept an amount specified by the individual to be deducted and withheld by the department of workforce development.~~

~~(2) (1) Notify the department of workforce development of the amounts to be deducted from an individual's unemployment compensation, as determined under subdivision (1); not to exceed the individual's weekly benefit amount of unemployment compensation.~~

~~(3) (2) Reimburse the department of workforce development for the administrative costs incurred by the department under IC 22-4-39.~~

SECTION 18. IC 31-25-4-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 17.5. (a) If the bureau or the clerk of the circuit court determines that a recipient of a court ordered support obligation has received a payment that the recipient is not entitled to because the payment:**

(1) was distributed to the incorrect recipient;

(2) was made due to fraudulent activity; or

(3) exceeded the amount actually due to the recipient based on an accounting error;

the bureau or the clerk of the circuit court may recoup the amount of the overpayment from the recipient.

(b) Except as otherwise provided in subsection (a), this section does not apply to a voluntary overpayment.

SECTION 19. IC 31-25-4-32, AS AMENDED BY P.L.80-2010, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 32. (a) When the Title IV-D agency finds that an obligor is delinquent, the Title IV-D agency shall send, to a verified address, a notice to the obligor that does the following:**



- (1) Specifies that the obligor is delinquent.
- (2) Describes the amount of child support that the obligor is in arrears.
- (3) States that unless the obligor:
 - (A) pays the obligor's child support arrearage in full;
 - (B) establishes a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order; or
 - (C) requests a hearing under section 33 of this chapter; within twenty (20) days after the date the notice is mailed, the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent and that the obligor's driving privileges shall be suspended.
- (4) Explains that the obligor has twenty (20) days after the notice is mailed to do one (1) of the following:
 - (A) Pay the obligor's child support arrearage in full.
 - (B) Establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.
 - (C) Request a hearing under section 33 of this chapter.
- (5) Explains that if the obligor has not satisfied any of the requirements of subdivision (4) **within not later than** twenty (20) days after the notice is mailed, that the Title IV-D agency shall issue a notice to:
 - (A) the board or department that regulates the obligor's profession or occupation, if any, that the obligor is delinquent and that the obligor may be subject to sanctions under IC 25-1-1.2, including suspension or revocation of the obligor's professional or occupational license;
 - (B) the supreme court disciplinary commission if the obligor is licensed to practice law;
 - (C) the department of education established by IC 20-19-3-1 if the obligor is a licensed teacher;
 - (D) the Indiana horse racing commission if the obligor holds or applies for a license issued under IC 4-31-6;
 - (E) the Indiana gaming commission if the obligor holds or applies for a license issued under IC 4-33 and IC 4-35;
 - (F) the commissioner of the department of insurance if the obligor holds or is an applicant for a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3;
 - (G) the director of the department of natural resources if the obligor holds or is an applicant for a license issued by the



department of natural resources under:

- (i) IC 14-22-12 (fishing, hunting, and trapping licenses);
- (ii) IC 14-22-14 (Lake Michigan commercial fishing license);
- (iii) IC 14-22-16 (bait dealer's license);
- (iv) IC 14-22-17 (mussel license);
- (v) IC 14-22-19 (fur buyer's license);
- (vi) IC 14-24-7 (nursery dealer's license); or
- (vii) IC 14-31-3 (ginseng dealer's license); or

(H) the alcohol and tobacco commission if the obligor holds or applies for an employee's permit under IC 7.1-3-18-9(a)(3).

(6) Explains that the only basis for contesting the issuance of an order under subdivision (3) or (5) is a mistake of fact.

(7) Explains that an obligor may contest the Title IV-D agency's determination to issue an order under subdivision (3) or (5) by making written application to the Title IV-D agency **within not later than** twenty (20) days after the date the notice is mailed.

(8) Explains the procedures to:

- (A) pay the obligor's child support arrearage in full; and
- (B) establish a payment plan with the Title IV-D agency to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) Whenever the Title IV-D agency finds that an obligor is delinquent and has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
- (3) request a hearing under section 33 of this chapter **within not later than** twenty (20) days after the date the notice described in subsection (a) is mailed;

the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent.

(c) An order issued under subsection (b) must require the following:

- (1) If the obligor who is the subject of the order holds a driving license or permit on the date the order is issued, that the driving privileges of the obligor be suspended until further order of the Title IV-D agency.
- (2) If the obligor who is the subject of the order does not hold a driving license or permit on the date the order is issued, that the bureau of motor vehicles may not issue a driving license or permit to the obligor until the bureau of motor vehicles receives a further



order from the Title IV-D agency.

(d) The Title IV-D agency shall provide the:

- (1) full name;
- (2) date of birth;
- (3) verified address; and
- (4) Social Security number or driving license number;

of the obligor to the bureau of motor vehicles.

(e) Whenever the Title IV-D agency finds that an obligor who is an applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
- (3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the board regulating the practice of the obligor's profession or occupation stating that the obligor is delinquent.

(f) An order issued under subsection (e) must direct the board or department regulating the obligor's profession or occupation to impose the appropriate sanctions described under IC 25-1-1.2.

(g) Whenever the Title IV-D agency finds that an obligor who is an attorney or a licensed teacher is delinquent and the attorney or licensed teacher has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
- (3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall notify the supreme court disciplinary commission if the obligor is an attorney, or the department of education if the obligor is a licensed teacher, that the obligor is delinquent.

(h) Whenever the Title IV-D agency finds that an obligor who holds a license issued under IC 4-31-6, IC 4-33, or IC 4-35 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
- (3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the Indiana horse racing commission if the obligor holds a license issued under IC 4-31-6, or to



the Indiana gaming commission if the obligor holds a license issued under IC 4-33 or IC 4-35, stating that the obligor is delinquent and directing the commission to impose the appropriate sanctions described in IC 4-31-6-11, IC 4-33-8.5-3, or IC 4-35-6.7-2.

(i) Whenever the Title IV-D agency finds that an obligor who holds a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
- (3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the commissioner of the department of insurance stating that the obligor is delinquent and directing the commissioner to impose the appropriate sanctions described in IC 27-1-15.6-29 or IC 27-10-3-20.

(j) Whenever the Title IV-D agency finds that an obligor who holds a license issued by the department of natural resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
- (3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the director of the department of natural resources stating that the obligor is delinquent and directing the director to suspend or revoke a license issued to the obligor by the department of natural resources as provided in IC 14-11-3.

(k) If the Title IV-D agency finds that an obligor who holds an employee's permit issued under IC 7.1-3-18-9(a)(3) has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
- (3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the alcohol and tobacco commission stating that the obligor is delinquent and directing the alcohol and tobacco commission to impose the appropriate sanctions under IC 7.1-3-23-44.

(l) A person's most recent address on file with the bureau constitutes



a verified address for purposes of this section.

(m) When an obligor who was the subject of an order issued by the Title IV-D agency under subsection (b), (e), (g), (h), (i), (j), or (k) has:

- (1) paid the obligor's child support arrearage in full; or**
- (2) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;**

the Title IV-D agency shall provide notice to the appropriate entity under subsection (b), (e), (g), (h), (i), (j), or (k) that the obligor has addressed the delinquency.

SECTION 20. IC 31-25-4-34, AS AMENDED BY P.L.80-2010, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 34. (a) As used in this section, "board" has the meaning set forth in IC 25-1-1.2-2.

(b) If an obligor holds a license issued by a board and requests a hearing under section 33 of this chapter but fails to appear or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the board that issued the obligor's license:

- (1) stating that the obligor is delinquent; and
- (2) requiring the board to comply with the actions required under ~~IC 25-1-1.2-8(b)~~; **IC 25-1-1.2-8.**

(c) If an obligor holds a license issued under IC 4-31-6, IC 4-33, or IC 4-35 and requests a hearing under section 33 of this chapter but fails to appear or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the:

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

stating that the obligor is delinquent and requiring the commission to comply with the actions required under IC 4-31-6-11, IC 4-33-8.5-3, or IC 4-35-6.7-2.

(d) If an obligor holds a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 and requests a hearing under section 33 of this chapter but fails to appear or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the commissioner of the department of insurance:

- (1) stating that the obligor is delinquent; and
- (2) requiring the commissioner to comply with the actions required under IC 27-1-15.6-29 or IC 27-10-3-20.

(e) If an obligor holds a license issued by the department of natural



resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 and requests a hearing under section 33 of this chapter but fails to appear, or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the director of the department of natural resources:

- (1) stating that the obligor is delinquent; and
- (2) requiring the director to suspend or revoke a license issued by the department as provided in IC 14-11-3.

(f) If an obligor:

- (1) holds an employee's permit issued under IC 7.1-3-18-9(a)(3); and
- (2) requests a hearing under section 33 of this chapter but fails to appear or appears and is found to be delinquent;

the Title IV-D agency shall issue an order to the alcohol and tobacco commission stating that the obligor is delinquent and requiring the commission to impose the appropriate sanctions under IC 7.1-3-23-44.

(g) When an obligor who was the subject of an order issued by the Title IV-D agency under subsection (b), (c), (d), (e), or (f) has:

- (1) paid the obligor's child support arrearage in full; or**
- (2) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;**

the Title IV-D agency shall provide notice to the appropriate entity under subsection (b), (c), (d), (e), or (f) that the obligor has addressed the delinquency.

SECTION 21. IC 31-34-15-6, AS AMENDED BY P.L.128-2012, SECTION 162, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) This section applies whenever a child who was born out of wedlock is:

- (1) or is alleged to be a child in need of services; and
- (2) under the supervision of the department or a local office as a result of a court ordered out-of-home placement.

(b) The department or the local office ~~shall~~ **may** refer a child's case to the local prosecuting attorney's office for the filing of a paternity action if the:

- (1) identity of the alleged father is known; and
- (2) department or the local office reasonably believes that establishing the paternity of the child would be beneficial to the child.

The local prosecuting attorney's office shall file a paternity action regarding each case that is referred under this subsection. ~~The department shall sign the paternity petition as the child's next friend.~~



SECTION 22. IC 33-37-5-6, AS AMENDED BY P.L.128-2012, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) This section applies to an action in which a final court order requires a person to pay support or maintenance payments through the clerk or the state central collection unit.

(b) The clerk or the state central collection unit shall collect **a an annual support** fee in addition to support and maintenance payments. The **annual support** fee is fifty-five dollars (\$55) for each calendar year.

(c) The **annual support** fee required under subsection (b) is due at the time that the first support or maintenance payment for the calendar year in which the fee must be paid is due.

(d) The clerk may not deduct the **annual support** fee from a support or maintenance payment.

(e) Except as provided under IC 33-32-4-6 and IC 33-37-7-2(f), if **a an annual support** fee is collected under this section by the clerk, the clerk shall forward the fee to the county auditor in accordance with IC 33-37-7-12(a). If **a an annual support** fee is collected under this section by the central collection unit, the fee shall be deposited in the state general fund.

(f) Income payors required to withhold income under IC 31-16-15 shall pay the annual **support** fee required by subsection (b) through the income withholding procedures described in IC 31-16-15.

SECTION 23. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.**

(b) The legislative council is urged to assign to an appropriate interim study committee the task of studying topics related to:

- (1) the adequacy of the statewide computer system used by the department of child services to monitor receipt and disbursement of child support payments; and**
- (2) the estimated cost to update or replace the statewide computer system.**

(c) This SECTION expires January 1, 2019.

SECTION 24. **An emergency is declared for this act.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1406 — Concur

