
HOUSE BILL No. 1224

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-14-11; IC 31-16-6-2; IC 31-16-6-2.5.

Synopsis: Limitation on child support. Establishes a limit on the amount of child support that a court in a dissolution of marriage or paternity case may order a noncustodial parent to pay for postsecondary educational expenses. Limits the amount to the cost assessed by the state educational institution located closest to the child's home for a course of study similar to the course of study chosen by the child, minus the amount representing the child's reasonable ability to contribute to the payment of educational expenses, as determined by the court, multiplied by the noncustodial parent's percentage share of the total weekly adjusted income of both parents. Makes this limit inapplicable to a noncustodial parent who consents to the child's choice of an educational institution other than the state educational institution located closest to the child's home.

Effective: July 1, 2001.

Sturtz

January 9, 2001, read first time and referred to Committee on Judiciary.

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First Regular Session 112th General Assembly (2001)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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HOUSE BILL No. 1224



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

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

1 SECTION 1. IC 31-14-11-3 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) Where
 3 appropriate, the support order may include:
 4 (1) **subject to section 3.5 of this chapter**, money for the child's
 5 education beyond grade 12, after the court has considered:
 6 (A) the child's aptitude and ability;
 7 (B) the child's reasonable ability to contribute to educational
 8 expenses through:
 9 (i) work;
 10 (ii) obtaining loans; and
 11 (iii) obtaining other sources of financial aid reasonably
 12 available to the child and the parent or parents; and
 13 (C) the ability of the parents to meet these expenses;
 14 (2) special medical, hospital, or dental expenses necessary to
 15 serve the best interests of the child;
 16 (3) fees mandated under Title IV-D of the federal Social Security
 17 Act (42 U.S.C. 651 through 669); and



1 (4) basic health and hospitalization insurance coverage for the
2 child.

3 (b) If, however, the Title IV-D agency initiates action to establish or
4 modify a support obligation and petitions the court to include basic
5 health and hospitalization insurance coverage in the support order, the
6 court shall consider including a provision for this insurance coverage
7 if the insurance coverage is available to the parent at reasonable cost.

8 SECTION 2. IC 31-14-11-3.5 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2001]: **Sec. 3.5. (a) Except as provided in**
11 **subsection (b), if a court orders the payment of money for a child's**
12 **education beyond grade 12 under section 3 of this chapter, the**
13 **amount that the noncustodial parent may be ordered to pay may**
14 **not exceed the amount determined in STEP TWO of the following**
15 **formula:**

16 **STEP ONE: Determine the difference between:**

17 (A) the costs assessed by the state educational institution
18 (as defined in IC 20-12-0.5-1), including regional campuses,
19 located closest to the child's home for a course of study
20 similar to the course of study chosen by the child; and

21 (B) the amount representing the child's reasonable ability
22 to contribute to the payment of educational expenses, as
23 determined by the court.

24 **STEP TWO: Multiply the remainder determined under STEP**
25 **ONE by the noncustodial parent's percentage share of the**
26 **total weekly adjusted income of both parents, as reflected on**
27 **the child support worksheet required under the child support**
28 **guidelines adopted by the Indiana supreme court.**

29 (b) **The limit set forth in subsection (a) does not apply to a**
30 **noncustodial parent who consents to the child's choice of an**
31 **educational institution other than the state educational institution**
32 **located closest to the child's home.**

33 SECTION 3. IC 31-16-6-2 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The child support
35 order or an educational support order may also include, where
36 appropriate:

37 (1) **subject to section 2.5 of this chapter**, amounts for the child's
38 education in elementary and secondary schools and at institutions
39 of higher learning, taking into account:

40 (A) the child's aptitude and ability;

41 (B) the child's reasonable ability to contribute to educational
42 expenses through:

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- 1 (i) work;
- 2 (ii) obtaining loans; and
- 3 (iii) obtaining other sources of financial aid reasonably
- 4 available to the child and each parent; and
- 5 (C) the ability of each parent to meet these expenses;
- 6 (2) special medical, hospital, or dental expenses necessary to
- 7 serve the best interests of the child; and
- 8 (3) fees mandated under Title IV-D of the federal Social Security
- 9 Act (42 U.S.C. 651 through 669).
- 10 (b) If the court orders support for a child's educational expenses at
- 11 an institution of higher learning under subsection (a), the court shall
- 12 reduce other child support for that child that:

- 13 (1) is duplicated by the educational support order; and
- 14 (2) would otherwise be paid to the custodial parent.

15 SECTION 4. IC 31-16-6-2.5 IS ADDED TO THE INDIANA CODE
 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 17 1, 2001]: **Sec. 2.5. (a) Except as provided in subsection (b), if a court**
 18 **orders money for a child's education beyond grade 12 under**
 19 **section 2 of this chapter, the amount that the noncustodial parent**
 20 **may be ordered to pay may not exceed the product of:**

- 21 (1) the difference between:
- 22 (A) the costs assessed by the state educational institution
- 23 (as defined in IC 20-12-0.5-1), including regional campuses,
- 24 located closest to the child's home for a course of study
- 25 similar to the course of study chosen by the child; and
- 26 (B) the amount representing the child's reasonable ability
- 27 to contribute to the payment of educational expenses, as
- 28 determined by the court; and
- 29 (2) the noncustodial parent's percentage share of the total
- 30 weekly adjusted income of both parents, as reflected on the
- 31 child support worksheet.

32 (b) The limit set forth in subsection (a) does not apply to a
 33 noncustodial parent who consents to the child's choice of an
 34 educational institution other than the state educational institution
 35 located closest to the child's home.

36 SECTION 5. [EFFECTIVE JULY 1, 2001] IC 31-14-11-3.5 and
 37 IC 31-16-6-2.5, both as added by this act, apply only to
 38 post-secondary educational expense child support orders issued
 39 after June 30, 2001.

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