
HOUSE BILL No. 1720

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-12-11; IC 31-14-12-3; IC 31-16-12-6.

Synopsis: Work release in child support contempt proceedings. Requires a community corrections advisory board or the county probation department of a county that does not participate in a community corrections program to establish a work release program for certain individuals found in contempt of court for failure to pay child support. Requires a court to: (1) find an individual in contempt of court; and (2) order the individual to participate in a work release program; if the individual, as a result of an intentional violation of a child support order, is delinquent by at least four weeks or in an amount exceeding \$1,000.

Effective: July 1, 2005.

Buck

January 19, 2005, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1720

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 11-12-11 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2005]:

4 **Chapter 11. Work Release for Delinquent Child Support Payers**
5 **Sec. 1. The:**

6 (1) **community corrections advisory board established under**
7 **IC 11-12-1-2 in which a county participates; or**

8 (2) **if a county does not participate in a community corrections**
9 **program, county probation department;**

10 **shall establish a work release program for individuals who are**
11 **found in contempt of court under IC 31-14-12-3(a)(2),**
12 **IC 31-14-12-3(b)(2), IC 31-16-12-6(a)(2), or IC 31-16-12-6(b)(2).**

13 **Sec. 2. A program established under section 1 of this chapter**
14 **must:**

15 (1) **provide job training for a program participant who is**
16 **unemployed upon entry to the program; and**

17 (2) **specify the distribution of funds earned by a program**



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participant.
SECTION 2. IC 31-14-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: 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:

- (1) may find the party in contempt of court; **or**
- (2) shall find the party in contempt of court if the party is delinquent:**
 - (A) by at least four (4) weeks; or**
 - (B) in an amount exceeding one thousand dollars (\$1,000).**

(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:

- (1) may, upon a request by the person or agency entitled to receive child support arrearages, find a party in contempt of court;
- or**
- (2) shall, upon a request by the person or agency entitled to receive child support arrearages, find the party in contempt of court if the party is delinquent:**

- (A) by at least four (4) weeks; or**
- (B) in an amount exceeding one thousand dollars (\$1,000).**

(c) The court:

- (1) may order a party who is found in contempt of court under ~~this section subsection (a)(1) or (b)(1)~~ to:
 - ~~(1)~~ **(A)** perform community restitution or service without compensation in a manner specified by the court; or
 - ~~(2)~~ **(B)** seek employment; **or**
- (2) shall order a party who is found in contempt of court under subsection (a)(2) or (b)(2) to participate in a work release program established under IC 11-12-11-1.**

SECTION 3. IC 31-16-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) If the court finds that a party is delinquent as a result of an intentional violation of an order for support, the court:

- (1) may find the party in contempt of court; **or**
- (2) shall find the party in contempt of court if the party is delinquent:**
 - (A) by at least four (4) weeks; or**
 - (B) in an amount exceeding one thousand dollars (\$1,000).**

(b) If an action or request to enforce payment of a child support

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1 arrearage is commenced not later than ten (10) years after
 2 ~~(1)~~ the child becomes eighteen (18) years of age or
 3 ~~(2)~~ the emancipation of the child, whichever occurs first, the
 4 court:
 5 (1) may, upon a request by the person or agency entitled to
 6 receive child support arrearages, find a party in contempt of court;
 7 or
 8 (2) shall, upon a request by the person or agency entitled to
 9 receive child support arrearages, find the party in contempt
 10 of court if the party is delinquent:
 11 (A) by at least four (4) weeks; or
 12 (B) in an amount exceeding one thousand dollars (\$1,000).
 13 ~~(b)~~ (c) The court:
 14 (1) may order a party who is found in contempt of court under this
 15 section subsection (a)(1) or (b)(1) to:
 16 ~~(1)~~ (A) perform community restitution or service without
 17 compensation in a manner specified by the court; or
 18 ~~(2)~~ (B) seek employment; or
 19 (2) shall order a party who is found in contempt of court
 20 under subsection (a)(2) or (b)(2) to participate in a work
 21 release program established under IC 11-12-11-1.

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