



January 29, 2010

# SENATE BILL No. 417

DIGEST OF SB 417 (Updated January 26, 2010 1:56 pm - DI 106)

**Citations Affected:** IC 34-7; IC 34-57.

**Synopsis:** Family law and foreign jurisdiction. Provides that if a court order concerning family law purports to apply to the laws of a foreign jurisdiction, a foreign legal code, a legal system, an arbitration process, or an alternative dispute resolution process that does not grant the parties the same fundamental liberties, rights, and privileges granted under the Constitution of the United States, the order is not enforceable. Provides that an arbitration or alternative dispute resolution ruling or decision concerning family law is not enforceable if the decision or ruling is made by a third person and based on foreign jurisdiction law, a foreign legal code, or a legal system that does not grant the parties the same fundamental liberties, rights, and privileges granted under the Constitution of the United States.

**Effective:** July 1, 2010.

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**Head, Steele**

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January 12, 2010, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.  
January 28, 2010, amended, reported favorably — Do Pass.

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January 29, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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## SENATE BILL No. 417



A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

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

1 SECTION 1. IC 34-7-2-2 IS ADDED TO THE INDIANA CODE  
 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 3 1, 2010]: **Sec. 2. (a) If a court order concerning family law purports**  
 4 **to apply, as the basis of the order:**  
 5 (1) **foreign jurisdiction law;**  
 6 (2) **a foreign legal code;**  
 7 (3) **a legal system;**  
 8 (4) **an arbitration process; or**  
 9 (5) **an alternative dispute resolution process;**  
 10 **that does not grant the parties the same fundamental liberties,**  
 11 **rights, and privileges granted under the Constitution of the United**  
 12 **States, the order is not enforceable.**  
 13 (b) **The rights and privileges that must be granted to the parties**  
 14 **under subsection (a) include:**  
 15 (1) **freedom of religion;**  
 16 (2) **freedom of speech;**  
 17 (3) **freedom of the press;**

SB 417—LS 7109/DI 107+



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(4) due process; and  
 (5) the right to privacy.

SECTION 2. IC 34-57-0.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

**Chapter 0.5. Arbitration and Alternative Dispute Resolution Restrictions**

**Sec. 1.** This chapter applies to any decision or ruling rendered as part of an arbitration or the alternative dispute resolution process concerning family law set forth in this article.

**Sec. 2. (a)** A decision or ruling described in section 1 of this chapter is not enforceable if the decision or ruling is made by a third person and based on:

- (1) foreign jurisdiction law;
- (2) a foreign legal code; or
- (3) a legal system;

that does not grant the parties the same fundamental liberties, rights, and privileges granted under the Constitution of the United States.

**(b)** The rights and privileges that must be granted to the parties under subsection (a) include:

- (1) freedom of religion;
- (2) freedom of speech;
- (3) freedom of the press;
- (4) due process; and
- (5) the right to privacy.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 417, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, delete "contract" and insert "**court order concerning family law**".

Page 1, line 3, delete "choose" and insert "**apply**".

Page 1, line 3, delete "law" and insert "**basis of the order:**".

Page 1, delete line 4.

Page 1, line 12, delete "States or the Constitution of the State of Indiana," and insert "**States,**".

Page 1, line 12, delete "choice" and insert "**order**".

Page 2, line 11, after "process" insert "**concerning family law**".

Page 2, line 13, delete "and has no legal effect".

Page 2, line 20, delete "States or the Constitution of the State of Indiana" and insert "**States.**".

and when so amended that said bill do pass.

(Reference is to SB 417 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 0.

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