

Members

Rep. Vanessa Summers, Chairperson
Rep. John Day
Rep. Phyllis Pond
Rep. Heath Vannatter
Sen. Brent Steele
Sen. Brent Waltz
Sen. James Arnold
Sen. Jean Breaux
Judge Marianne L. Vorhees
Greg DeVries
Robert Bishop
Bruce Pennamped



CHILD CUSTODY AND SUPPORT ADVISORY COMMITTEE

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Authority: IC 33-24-11-1

MEETING MINUTES¹

Meeting Date: August 14, 2008
Meeting Time: 1:30 P.M.
Meeting Place: State House, 200 W. Washington St., Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Rep. Vanessa Summers, Chairperson; Rep. John Day; Rep. Phyllis Pond; Rep. Heath Vannatter; Sen. Brent Steele; Sen. Brent Waltz; Sen. Jean Breaux; Bruce Pennamped; Greg DeVries.

Members Absent: Sen. James Arnold; Judge Marianne L. Vorhees; Robert Bishop.

Call to Order

Representative Vanessa Summers, Chairperson, called the meeting to order at 1:35 P.M. and the members of the Committee introduced themselves.

Domestic Relations Committee Presentation Concerning the Review of the Child Support Guidelines

Jeffrey Bercovitz, counsel for the Domestic Relations Committee (DRC) and of the Indiana Judicial Center, introduced himself to the Committee. Mr. Bercovitz explained that the DRC is organized by the Indiana Supreme Court and consists of thirteen judges who are

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

charged with reviewing and making recommendations concerning the Child Support Guidelines. Additionally, the DRC also reviews Indiana cases and federal laws concerning child support.

Judge William Fee, of the Steuben Superior Court and chairperson of the DRC, made a PowerPoint presentation regarding the DRC's work (A copy of the PowerPoint presentation is found as Exhibit 1).

Judge Fee stated that the DRC is organized to meet federal government requirements to review Indiana's child support guidelines every four years and to assess child-rearing costs data.

Judge Fee next discussed current child support guidelines issues that the DRC is considering. The first issue that the DRC is reviewing concerns the impact of the Indiana Supreme Court's 2007 decision in *Lambert v. Lambert*, 861 N.E.2d 1176. In *Lambert*, the Supreme Court held that a parent's child support obligation is not relieved if the parent is incarcerated, but a court should calculate the support based on the parent's current income or assets instead of pre-incarceration wages.

The second issue that the DRC is considering is how to better explain the parenting time credit. Judge Fee said that the parenting time credit is confusing and the DRC would like to provide an explanation of the credit.

Third, the DRC is looking at the issue of child support paid by low income earners and extreme high income earners. Judge Fee explained that low income earners may pay a larger percentage of their income into child support than other obligors and the DRC is trying to determine how low income earners paying child support compare to low income earners in other states. Further, Judge Fee explained that extreme high income earners may pay a smaller percentage of their income to child support than other obligors.

Next, the DRC is reviewing new federal rules regarding medical support in child support orders and Medicaid reimbursement for birth expenses.

The fifth issue that Judge Fee stated the DRC is considering is how courts should order payments for extracurricular child rearing expenses such as sports and music lessons.

Finally, Judge Fee noted that the DRC is examining issues concerning multiple support orders paid by the same obligor.

Additional Testimony

Robert Monday of the Children's Rights Council asked the Committee to consider the issue of paternity affidavits that are signed at a child's birth giving mothers full custody rights.

Next Meeting

Representative Summers announced the Committee's next meeting will be September 11, 2008, at 1:30 P.M. in Room 404 of the Statehouse.