

HOUSE BILL No. 1389

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-37-4-3.

Synopsis: Waiver of court fees relating to kinship care. Waives court costs and fees associated with the kinship care of a minor.

Effective: July 1, 2021.

Summers

January 14, 2021, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1389

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 33-37-4-3, AS AMENDED BY P.L.85-2017,
2 SECTION 110, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) **Except as provided in**
4 **subsection (d)**, the clerk shall collect a juvenile costs fee of one
5 hundred twenty dollars (\$120) for each action filed under any of the
6 following:
7 (1) IC 31-34 (children in need of services).
8 (2) IC 31-37 (delinquent children).
9 (3) IC 31-14 (paternity).
10 (b) **Except as provided in subsection (d)**, in addition to the
11 juvenile costs fee collected under this section, the clerk shall collect the
12 following fees, if they are required under IC 33-37-5:
13 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
14 IC 33-37-5-4).
15 (2) A marijuana eradication program fee (IC 33-37-5-7).
16 (3) An alcohol and drug services program fee (IC 33-37-5-8(b)).
17 (4) A law enforcement continuing education program fee (IC



- 1 33-37-5-8(c)).
- 2 (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 3 (6) A document storage fee (IC 33-37-5-20).
- 4 (7) An automated record keeping fee (IC 33-37-5-21).
- 5 (8) A late payment fee (IC 33-37-5-22).
- 6 (9) A public defense administration fee (IC 33-37-5-21.2).
- 7 (10) A judicial insurance adjustment fee (IC 33-37-5-25).
- 8 (11) A judicial salaries fee (IC 33-37-5-26).
- 9 (12) A court administration fee (IC 33-37-5-27).
- 10 (13) A DNA sample processing fee (IC 33-37-5-26.2).
- 11 (c) The clerk shall transfer to the county auditor or city or town
- 12 fiscal officer the following fees not later than thirty (30) days after they
- 13 are collected:
- 14 (1) The marijuana eradication program fee (IC 33-37-5-7).
- 15 (2) The alcohol and drug services program fee (IC 33-37-5-8(b)).
- 16 (3) The law enforcement continuing education program fee (IC
- 17 33-37-5-8(c)).
- 18 The auditor or fiscal officer shall deposit the fees in the appropriate
- 19 user fee fund established under IC 33-37-8.
- 20 **(d) The clerk shall waive the payment of required fees or other**
- 21 **court costs for an adult who is:**
- 22 **(1) a relative (as defined in IC 31-9-2-107(c));**
- 23 **(2) providing kinship care to a minor; and**
- 24 **(3) subject to the imposition of court costs or fees as a result**
- 25 **of:**
- 26 **(A) a juvenile delinquency proceeding under IC 31-37; or**
- 27 **(B) a child in need of services proceeding under IC 31-34.**
- 28 **(e) The clerk shall not waive the payment of required fees or**
- 29 **other court costs under subsection (d) if the proceeding is a result**
- 30 **of the inability, refusal, or neglect of the adult providing kinship**
- 31 **care to the minor to supply the minor with necessary food,**
- 32 **clothing, shelter, medical care, education, or supervision.**

