

SENATE BILL No. 109

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-16-6-6.

Synopsis: Support for educational needs. Provides that, with exceptions, the duty to support the educational needs of a child ceases when the child becomes 19 years of age. (Current law allows for a duty to support the educational needs of a child after the child becomes 19 years of age.) Provides that: (1) the change in the duty to support the educational needs of a child does not affect a support order for the support of a child's educational needs after the child is 19 years of age that was issued before July 1, 2015; and (2) a support order for the support of a child's educational needs after the child becomes 19 years of age that was issued before July 1, 2015, remains in effect and is enforceable.

Effective: July 1, 2015.

Miller Pete

January 6, 2015, read first time and referred to Committee on Civil Law.



First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 109

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 31-16-6-6, AS AMENDED BY P.L.207-2013,
- 2 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2015]: Sec. 6. (a) **Except as provided in subsection (c)**, the
- 4 duty to support a child under this chapter, which ~~does not include~~
- 5 **includes** support for educational needs, ceases when the child becomes
- 6 nineteen (19) years of age unless any of the following conditions
- 7 occurs:
- 8 (1) The child is emancipated before becoming nineteen (19) years
- 9 of age. In this case the child support, **except for including** the
- 10 educational needs outlined in section 2(a)(1) of this chapter,
- 11 terminates at the time of emancipation. ~~although an order for~~
- 12 **educational needs may continue in effect until further order of the**
- 13 **court.**
- 14 (2) The child is incapacitated. In this case the child support
- 15 continues during the incapacity or until further order of the court.
- 16 (3) The child:



- 1 (A) is at least eighteen (18) years of age;
 2 (B) has not attended a secondary school or postsecondary
 3 educational institution for the prior four (4) months and is not
 4 enrolled in a secondary school or postsecondary educational
 5 institution; and
 6 (C) is or is capable of supporting himself or herself through
 7 employment.
- 8 In this case the child support terminates upon the court's finding
 9 that the conditions prescribed in this subdivision exist. However,
 10 if the court finds that the conditions set forth in clauses (A)
 11 through (C) are met but that the child is only partially supporting
 12 or is capable of only partially supporting himself or herself, the
 13 court may order that support be modified instead of terminated.
- 14 (b) For purposes of determining if a child is emancipated under
 15 subsection (a)(1), if the court finds that the child:
 16 (1) is on active duty in the United States armed services;
 17 (2) has married; or
 18 (3) is not under the care or control of:
 19 (A) either parent; or
 20 (B) an individual or agency approved by the court;
 21 the court shall find the child emancipated and terminate the child
 22 support.
- 23 (c) If a court has established a duty to support a child in a court
 24 order issued before July 1, 2012, the:
 25 (1) parent or guardian of the child; or
 26 (2) child;
 27 may file a petition for educational needs until the child becomes
 28 twenty-one (21) years of age.
- 29 (d) If a court has established a duty to support a child in a court
 30 order issued after June 30, 2012, the:
 31 (1) parent or guardian of the child; or
 32 (2) child;
 33 may file a petition for educational needs until the child becomes
 34 nineteen (19) years of age.
- 35 (e) If:
 36 (1) an order was issued after June 30, 2012, that denied support
 37 for educational needs to a child who was less than twenty-one
 38 (21) years of age at the time the petition for educational needs
 39 was filed; and
 40 (2) support for educational needs was denied based on the fact
 41 that the child was older than eighteen (18) years of age;
 42 notwithstanding any other law, a parent or guardian of the child or the



1 child may file with the court a subsequent petition for educational
2 needs. The court shall consider the petition on the merits in accordance
3 with this section and may not consider the absence of subsection (c)
4 from law at the time of the initial filing.
5 (c) Subsection (a) does not affect a support order for the support
6 of a child's educational needs after the child becomes nineteen (19)
7 years of age that was issued before July 1, 2015. A support order
8 for the support of a child's educational needs after the child
9 becomes nineteen (19) years of age that was issued before July 1,
10 2015, remains in effect and is enforceable.

