

IC 31-18

ARTICLE 18. FAMILY LAW: UNIFORM INTERSTATE FAMILY SUPPORT ACT

IC 31-18-1

Chapter 1. Definitions

IC 31-18-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.1-1997, SEC.10.

IC 31-18-1-2

"Child"

Sec. 2. "Child" means an individual who is:

- (1) owed or alleged to be owed a duty of support by the individual's parent; or
- (2) the beneficiary of a support order directed to the parent.

The term includes a child who is over the age of majority.

As added by P.L.1-1997, SEC.10. Amended by P.L.97-2004, SEC.107.

IC 31-18-1-3

"Child support order"

Sec. 3. "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

As added by P.L.1-1997, SEC.10.

IC 31-18-1-4

"Duty of support"

Sec. 4. "Duty of support" means an obligation imposed or that may be imposed by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

As added by P.L.1-1997, SEC.10.

IC 31-18-1-5

"Home state"

Sec. 5. "Home state" means:

- (1) the state in which a child lived with a parent or a person acting as parent for at least six (6) consecutive months immediately preceding the time of filing of a petition or comparable pleading for support; and
- (2) if a child is less than six (6) months of age, the state in which the child lived since birth with a parent or person acting as a parent.

A period of temporary absence of the child, parent, or person acting as a parent is included as part of the six (6) month period under subdivision (1) or other period under subdivision (2).

As added by P.L.1-1997, SEC.10.

IC 31-18-1-6

"Income"

Sec. 6. "Income" means anything of value owed to an obligor.
As added by P.L.1-1997, SEC.10.

IC 31-18-1-7

"Income payor"

Sec. 7. "Income payor" means an employer or other person who owes income to an obligor.
As added by P.L.1-1997, SEC.10.

IC 31-18-1-8

"Income withholding order"

Sec. 8. "Income withholding order" means an order or other legal process directed to an obligor's income payor to withhold:

- (1) support; and
- (2) support fees and maintenance fees as described in IC 33-37-5-6;

from the income of the obligor.

As added by P.L.1-1997, SEC.10. Amended by P.L.148-2006, SEC.29.

IC 31-18-1-9

"Initiating state"

Sec. 9. "Initiating state" means a state in which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under:

- (1) this article or a law substantially similar to this article;
- (2) the Uniform Reciprocal Enforcement of Support Act; or
- (3) the Revised Uniform Reciprocal Enforcement of Support Act.

As added by P.L.1-1997, SEC.10. Amended by P.L.213-1999, SEC.12.

IC 31-18-1-10

"Initiating tribunal"

Sec. 10. "Initiating tribunal" means the authorized tribunal in an initiating state.

As added by P.L.1-1997, SEC.10.

IC 31-18-1-11

"Issuing state"

Sec. 11. "Issuing state" means the state in which a tribunal issues a support order or enters a judgment of paternity.

As added by P.L.1-1997, SEC.10.

IC 31-18-1-12

"Issuing tribunal"

Sec. 12. "Issuing tribunal" means the tribunal that issues a support order or enters a judgment of paternity.

As added by P.L.1-1997, SEC.10.

IC 31-18-1-13

"Law"

Sec. 13. "Law" includes decisional and statutory law and rules and regulations having the force of law.

As added by P.L.1-1997, SEC.10.

IC 31-18-1-14

"Obligee"

Sec. 14. "Obligee" means:

- (1) an individual to whom a duty of support is owed or is alleged to be owed or in whose favor a:
 - (A) support order has been issued; or
 - (B) judgment determining paternity has been entered;
- (2) a state or political subdivision to which the rights under a duty of support or support order have been assigned or that has independent claims based on financial assistance provided to an individual obligee; or
- (3) an individual seeking a judgment to establish paternity of the individual's child.

As added by P.L.1-1997, SEC.10. Amended by P.L.213-1999, SEC.13.

IC 31-18-1-15

"Obligor"

Sec. 15. "Obligor" means an individual or the estate of a decedent who:

- (1) owes or is alleged to owe a duty of support;
- (2) is alleged to be, but has not been adjudicated to be, a parent of a child; or
- (3) is liable under a support order.

As added by P.L.1-1997, SEC.10. Amended by P.L.213-1999, SEC.14.

IC 31-18-1-16

"Register"

Sec. 16. "Register" means to record a:

- (1) support order; or
- (2) judgment determining paternity;

in the appropriate location for the recording or filing of foreign judgments generally or foreign support orders specifically.

As added by P.L.1-1997, SEC.10.

IC 31-18-1-17

"Registering tribunal"

Sec. 17. "Registering tribunal" means a tribunal in which a support order is registered.

As added by P.L.1-1997, SEC.10.

IC 31-18-1-18**"Responding state"**

Sec. 18. "Responding state" means a state to which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under:

- (1) this article or a law substantially similar to this article;
- (2) the Uniform Reciprocal Enforcement of Support Act; or
- (3) the Revised Uniform Reciprocal Enforcement of Support Act.

As added by P.L.1-1997, SEC.10. Amended by P.L.213-1999, SEC.15.

IC 31-18-1-19**"Responding tribunal"**

Sec. 19. "Responding tribunal" means the authorized tribunal in a responding state.

As added by P.L.1-1997, SEC.10.

IC 31-18-1-20**"Spousal support order"**

Sec. 20. "Spousal support order" means a support order for a spouse or former spouse of the obligor.

As added by P.L.1-1997, SEC.10.

IC 31-18-1-21**"State"**

Sec. 21. "State" means:

- (1) a state of the United States;
- (2) the District of Columbia;
- (3) the Commonwealth of Puerto Rico; or
- (4) any territory or insular possession subject to the jurisdiction of the United States.

The term includes an Indian tribe and a foreign jurisdiction that have enacted a law or established procedures for issuing and enforcing support orders that are substantially similar to the procedures under this article or the procedures under the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act.

As added by P.L.1-1997, SEC.10. Amended by P.L.213-1999, SEC.16.

IC 31-18-1-22**Repealed**

(Repealed by P.L.213-1999, SEC.33.)

IC 31-18-1-23**"Support enforcement agency"**

Sec. 23. "Support enforcement agency" means a public official or an agency authorized to seek to:

- (1) enforce a support order or laws regarding the duty of

- support;
- (2) establish or modify child support;
- (3) establish paternity; or
- (4) locate an obligor or the obligor's assets.

As added by P.L.1-1997, SEC.10.

IC 31-18-1-24

"Support order"

Sec. 24. "Support order" means a judgment, a decree, or an order, whether:

- (1) temporary;
- (2) final; or
- (3) subject to modification;

for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

As added by P.L.1-1997, SEC.10.

IC 31-18-1-25

"Tribunal"

Sec. 25. "Tribunal" means a court, an administrative agency, or a quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine paternity. In referring to an Indiana tribunal acting as an authorized responding court under this article, the term means a court that is authorized to establish, enforce, or modify support orders or establish paternity but does not include an administrative agency or a quasi-judicial entity.

As added by P.L.1-1997, SEC.10. Amended by P.L.213-1999, SEC.17.

IC 31-18-2

Chapter 2. Jurisdiction

IC 31-18-2-1

Basis for jurisdiction over nonresident

Sec. 1. In a proceeding to establish, enforce, or modify a support order or to determine paternity, an Indiana tribunal may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

- (1) the individual is personally served with notice in Indiana;
- (2) the individual submits to the jurisdiction of Indiana by:
 - (A) consent;
 - (B) entering an appearance, except for the purpose of contesting jurisdiction; or
 - (C) filing a responsive document having the effect of waiving contest to personal jurisdiction;
- (3) the individual resided in Indiana with the child;
- (4) the individual resided in Indiana and has provided prenatal expenses or support for the child;
- (5) the child resides in Indiana as a result of the acts or directives of the individual;
- (6) the individual engaged in sexual intercourse in Indiana and the child:
 - (A) has been conceived by the act of intercourse; or
 - (B) may have been conceived by the act of intercourse if the proceeding is to establish paternity;
- (7) the individual asserted paternity of the child in the putative father registry administered by the state department of health under IC 31-19-5; or
- (8) there is any other basis consistent with the Constitution of the State of Indiana and the Constitution of the United States for the exercise of personal jurisdiction.

As added by P.L.1-1997, SEC.10.

IC 31-18-2-2

Procedure when exercising jurisdiction over nonresident

Sec. 2. An Indiana tribunal exercising personal jurisdiction over a nonresident under section 1 of this chapter may apply:

- (1) IC 31-18-3-16 to receive evidence from another state (special rules of evidence established by this article regarding long arm jurisdiction cases); and
- (2) IC 31-18-3-18 to obtain discovery assistance through a tribunal of another state (special rules of procedure established by this article for obtaining discovery in long arm jurisdiction cases). In all other respects, the tribunal shall apply the procedural and substantive law of Indiana, including the rules on choice of law other than those established by this article.

As added by P.L.1-1997, SEC.10.

IC 31-18-2-3

Initiating and responding tribunals

Sec. 3. An Indiana tribunal may serve as:

- (1) an initiating tribunal under this article to forward proceedings to another state; and
- (2) a responding tribunal for proceedings initiated in another state.

As added by P.L.1-1997, SEC.10.

IC 31-18-2-4

Simultaneous proceedings in another state

Sec. 4. (a) An Indiana tribunal may exercise jurisdiction to establish a support order if the petition is filed after a petition or comparable pleading is filed in another state only if:

- (1) the petition is filed in Indiana before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;
- (2) the contesting party timely challenges the exercise of jurisdiction in the other state; and
- (3) Indiana is the home state of the child, if relevant.

(b) An Indiana tribunal may not exercise jurisdiction to establish a support order if the petition is filed before a petition or comparable pleading is filed in another state if:

- (1) the petition or comparable pleading in the other state is filed before the expiration of the time allowed in Indiana for filing a responsive pleading challenging the exercise of jurisdiction by Indiana;
- (2) the contesting party timely challenges the exercise of jurisdiction in Indiana; and
- (3) the other state is the home state of the child, if relevant.

As added by P.L.1-1997, SEC.10.

IC 31-18-2-5

Continuing exclusive jurisdiction

Sec. 5. (a) An Indiana tribunal that issues a support order consistent with Indiana law has continuing, exclusive jurisdiction over a child support order:

- (1) if Indiana remains the residence of the:
 - (A) obligor;
 - (B) individual obligee; or
 - (C) child for whose benefit the support order is issued; or
- (2) until each individual party has filed written consent with the Indiana tribunal for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

Nothing in this section is intended to divest a court of jurisdiction to enforce a judgment that has been previously issued in favor of any party, including any state or to prevent a Title IV-D agency or its agents from collecting on a judgment previously issued through a judicial or an administrative proceeding.

(b) An Indiana tribunal that issues a child support order consistent with Indiana law may not exercise its continuing jurisdiction to

modify the order if the order has been modified by a tribunal of another state that has exercised continuing, exclusive jurisdiction over the order under a law substantially similar to this article.

(c) If an Indiana child support order is modified by a tribunal of another state under a law substantially similar to this article, the Indiana tribunal:

(1) loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in Indiana; and

(2) may only:

(1) Enforce the order that was modified concerning amounts accruing before the modification.

(2) Enforce nonmodifiable aspects of that order.

(3) Provide other appropriate relief for a violation of the order that occurred before the effective date of the modification.

(4) Recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

(d) An Indiana tribunal shall recognize the continuing, exclusive jurisdiction of a tribunal of another state that has issued a child support order under a law substantially similar to this article.

(e) A temporary support order issued ex parte or a pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

(f) An Indiana tribunal that issues a support order consistent with Indiana law has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. An Indiana tribunal may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over the order under the law of the other state.

As added by P.L.1-1997, SEC.10.

IC 31-18-2-6

Enforcement and modification of support order by tribunal having continuing jurisdiction

Sec. 6. (a) An Indiana tribunal may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that other state.

(b) An Indiana tribunal having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply:

(1) IC 31-18-3-16 regarding receiving evidence from another state; and

(2) IC 31-18-3-18 regarding obtaining discovery through a tribunal of another state.

(c) An Indiana tribunal that lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.

As added by P.L.1-1997, SEC.10.

IC 31-18-2-7

Recognition of child support orders

Sec. 7. (a) If a proceeding is brought under this article and one (1) or more child support orders have been issued in Indiana or another state with regard to an obligor and a child, an Indiana tribunal shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) If only one (1) tribunal has issued a child support order, the order of that tribunal is controlling and must be recognized.

(2) If two (2) or more tribunals have issued child support orders for the same obligor and child, and only one (1) of the tribunals has continuing, exclusive jurisdiction in accordance with this article, the order of that tribunal is controlling and must be recognized.

(3) If two (2) or more tribunals have issued child support orders for the same obligor and child, and more than one (1) of the tribunals has continuing, exclusive jurisdiction in accordance with this article, an order issued by a tribunal in the current home state of the child must be recognized. However, if an order has not been issued in the current home state of the child, the order most recently issued must be recognized.

(4) If two (2) or more tribunals have issued child support orders for the same obligor and child, and none of the tribunals has continuing, exclusive jurisdiction in accordance with this article, the Indiana tribunal shall issue a child support order that is controlling and must be recognized.

(b) The tribunal that has issued an order recognized under subsection (a) is the tribunal having continuing, exclusive jurisdiction.

(c) If two (2) or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in Indiana, a party may request an Indiana tribunal to determine which order controls and must be recognized under subsection (a). The request must be accompanied by a certified copy of all support orders in effect. Each party whose rights may be affected by a determination of the controlling order must be given notice of the request for that determination.

As added by P.L.1-1997, SEC.10. Amended by P.L.213-1999, SEC.18.

IC 31-18-2-7.5

Determination of identity of controlling child support order

Sec. 7.5. (a) An Indiana tribunal that:

(1) determines by order the identity of the controlling child support order under section 7(a)(1), 7(a)(2), or 7(a)(3) of this chapter; or

(2) issues a new controlling child support order under section 7(a)(4) of this chapter;

shall include in that order the basis upon which the tribunal made the determination.

(b) Not later than thirty (30) days after issuance of the order determining the identity of the controlling order, the party obtaining the order shall file a certified copy of the order with each tribunal that has issued or registered an earlier order of child support. Failure of the party obtaining the order to file a certified copy as required subjects the party to appropriate sanctions by a tribunal in which the issue of failure to file arises. However, the failure has no effect on the validity or enforceability of the controlling order.

As added by P.L.213-1999, SEC.19.

IC 31-18-2-8

Multiple child support orders for two or more obligees

Sec. 8. In responding to multiple registrations or petitions for enforcement of two (2) or more child support orders in effect at the same time regarding:

- (1) the same obligor; and
- (2) different individual obligees;

at least one (1) of which was issued by a tribunal of another state, an Indiana tribunal shall enforce the orders in the same manner as if the multiple orders had been issued by an Indiana tribunal.

As added by P.L.1-1997, SEC.10.

IC 31-18-2-9

Credit for payments

Sec. 9. Amounts collected and credited for a period as the result of a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by an Indiana tribunal.

As added by P.L.1-1997, SEC.10.

IC 31-18-2-10

Authority to transfer and initiate petition to responding jurisdiction

Sec. 10. For purposes of this article, the Title IV-D agency or its agents have the authority to transfer and initiate a petition to a responding jurisdiction.

As added by P.L.1-1997, SEC.10.

IC 31-18-3

Chapter 3. Civil Provisions of General Application

IC 31-18-3-1

Proceedings under this article

Sec. 1. (a) Except as otherwise provided in this article, this chapter applies to all proceedings under this article.

(b) this article provides for the following proceedings:

- (1) Establishment of an order for spousal support or child support under IC 31-18-4.
- (2) Enforcement of a support order and an income withholding order of another state without registration under IC 31-18-5.
- (3) Registration of an order for spousal support or child support of another state for enforcement under IC 31-18-6.
- (4) Modification of an order for child support or spousal support issued by an Indiana tribunal under IC 31-18-2.
- (5) Registration of an order for child support of another state for modification under IC 31-18-6.
- (6) Determination of paternity under IC 31-18-7.
- (7) Assertion of jurisdiction over nonresidents under IC 31-18-2.

(c) An individual petitioner or a support enforcement agency may commence a proceeding authorized under this article by filing a petition or comparable pleading in:

- (1) an initiating tribunal for forwarding to a responding tribunal; or
- (2) a tribunal of another state that has or is able to obtain personal jurisdiction over the respondent.

As added by P.L.1-1997, SEC.10.

IC 31-18-3-2

Action by minor parent

Sec. 2. A parent who is less than eighteen (18) years of age or a guardian or other legal representative of the minor parent may maintain a proceeding:

- (1) on behalf of; or
- (2) for the benefit of;

the minor parent's child.

As added by P.L.1-1997, SEC.10.

IC 31-18-3-3

Application of law of this state

Sec. 3. Except as otherwise provided by this article, a responding Indiana tribunal:

- (1) shall apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in Indiana and:
 - (A) may exercise all powers; and
 - (B) provide all remedies;available in the proceedings; and

- (2) shall determine the duty of support and the amount payable under the child support guidelines adopted by the Indiana supreme court and any other relevant Indiana law.

As added by P.L.1-1997, SEC.10.

IC 31-18-3-4

Duties of initiating tribunal

Sec. 4. (a) Upon the filing of a petition authorized by this article, an initiating Indiana tribunal shall forward three (3) copies of the petition and its accompanying documents to:

- (1) the responding tribunal; or
- (2) an appropriate support enforcement agency in the responding state.

However, if the identity of the responding tribunal is unknown, the copies must be forwarded to the state information agency of the responding state with a request for the copies to be forwarded to the appropriate tribunal and for receipt to be acknowledged.

(b) If a responding state has not enacted the Uniform Interstate Family Support Act or a law or procedure substantially similar to the Uniform Interstate Family Support Act, an Indiana tribunal may issue a certificate or other documents and make findings required by the law of the responding state. If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state.

As added by P.L.1-1997, SEC.10. Amended by P.L.213-1999, SEC.20.

IC 31-18-3-5

Duties and powers of responding tribunal

Sec. 5. (a) When a responding Indiana tribunal receives a petition or comparable pleading from an initiating tribunal or directly under section 1(c) of this chapter, the responding tribunal shall:

- (1) file the petition or pleading; and
- (2) notify the petitioner by first class mail of the location and date that the petition or comparable pleading was filed.

(b) A responding Indiana tribunal, to the extent otherwise authorized by law, may do one (1) or more of the following:

- (1) Issue or enforce a support order, modify a child support order, or enter a judgment to establish paternity.
- (2) Order an obligor to comply with a support order, specifying the amount and the manner of compliance.
- (3) Order income withholding.
- (4) Determine the amount of any arrearages and specify a method of payment.
- (5) Enforce orders by civil or criminal contempt, or both.
- (6) Set aside property for satisfaction of the support order.
- (7) Place liens and order execution on the obligor's property.
- (8) Order an obligor to keep a tribunal informed of the obligor's current:

- (A) residential address;
 - (B) telephone number;
 - (C) income payor;
 - (D) address of employment; and
 - (E) telephone number at the place of employment.
- (9) Issue a bench warrant or body attachment for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal, and enter the bench warrant in any local and state computer systems for criminal warrants.
- (10) Order the obligor to seek appropriate employment by specified methods.
- (11) Award reasonable attorney's fees and other fees and costs.
- (12) As appropriate, grant any other available remedy under federal or state law.
- (c) A responding Indiana tribunal shall include in:
- (1) a support order issued under this article; or
 - (2) the documents accompanying the order;
- the calculations upon which the support order is based.
- (d) A responding Indiana tribunal may not condition the payment of a support order issued under this article upon a party's compliance with provisions for parenting time.
- (e) If a responding Indiana tribunal issues an order under this article, the Indiana tribunal shall send a copy of the order by first class mail to the:
- (1) petitioner;
 - (2) respondent; and
 - (3) initiating tribunal, if any.
- As added by P.L.1-1997, SEC.10. Amended by P.L.68-2005, SEC.54.*

IC 31-18-3-6

Inappropriate tribunal

Sec. 6. If a petition or comparable pleading is received by an inappropriate Indiana tribunal, the inappropriate tribunal shall:

- (1) forward the pleading and accompanying documents to an appropriate tribunal in Indiana or another state; and
- (2) notify the initiating state by first class mail regarding the date and location that the pleading was sent. Whenever the inappropriate tribunal is unable to identify the appropriate tribunal under this section, the inappropriate tribunal shall return the pleading and accompanying documents to the initiating state.

As added by P.L.1-1997, SEC.10.

IC 31-18-3-7

Duties of Title IV-D agency

Sec. 7. (a) An Indiana Title IV-D agency, upon request, shall provide services to a petitioner who is an obligee in a proceeding under this article.

(b) A Title IV-D agency, or its agents, that is providing services to the petitioner under this article shall:

- (1) take the steps necessary to enable an appropriate Indiana tribunal or another state to obtain jurisdiction over the respondent;
- (2) request an appropriate tribunal to set a date, time, and place for a hearing;
- (3) make a reasonable effort to obtain all relevant information, including information regarding income and property of the parties;
- (4) not later than ten (10) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, a responding, or a registering tribunal, send a copy of the notice by first class mail to the petitioner;
- (5) not later than ten (10) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication by first class mail to the petitioner; and
- (6) notify the petitioner if jurisdiction over the respondent may not be obtained.

(c) This article does not create or negate:

- (1) an attorney-client; or
- (2) other fiduciary;

relationship between an attorney for either the Title IV-D agency or its agents and the individual being assisted.

As added by P.L.1-1997, SEC.10. Amended by P.L.213-1999, SEC.21.

IC 31-18-3-8

Neglect or refusal to provide services by Title IV-D agency

Sec. 8. If the department determines that an agent of the Title IV-D agency is neglecting or refusing to provide services to an individual, the department may:

- (1) direct the agent to perform duties of the agent under this article; or
- (2) provide the services directly to the individual.

As added by P.L.1-1997, SEC.10. Amended by P.L.145-2006, SEC.242.

IC 31-18-3-9

Private counsel

Sec. 9. An individual may employ private counsel to represent the individual in proceedings authorized by this article.

As added by P.L.1-1997, SEC.10.

IC 31-18-3-10

Duties of the department

Sec. 10. (a) The department is the state information agency for Indiana under this article.

(b) The department shall do the following:

- (1) Compile and maintain a current list, including addresses, of each Indiana tribunal that has jurisdiction under this article and

transmit a copy of the list to the state information agency of every state.

(2) Maintain a registry of tribunals and support enforcement agencies received from other states.

(3) Forward to the appropriate tribunal in the location in Indiana in which:

(A) the obligee or the obligor resides; or

(B) the obligor's property is believed to be located;

all documents concerning a proceeding under this article received from an initiating tribunal or the state information agency of the initiating state.

(4) Obtain information concerning the location of the obligor and the obligor's property within Indiana that is not exempt from execution by the following methods:

(A) Postal verification.

(B) Federal or state locator services.

(C) Examination of telephone directories.

(D) Requests for the obligor's address from employers.

(E) Examination of governmental records, including, to the extent not prohibited by other law, records relating to the following:

(i) Real property.

(ii) Vital statistics.

(iii) Law enforcement.

(iv) Taxation.

(v) Motor vehicles.

(vi) Driver's licenses.

(vii) Social Security.

(viii) Worker's compensation.

As added by P.L.1-1997, SEC.10. Amended by P.L.145-2006, SEC.243.

IC 31-18-3-11

Pleadings and accompanying documents

Sec. 11. (a) A petitioner seeking to establish or modify a support order or to establish paternity in a proceeding under this article must verify the petition. Unless otherwise ordered under section 12 of this chapter, the petition or accompanying documents must provide the following if available:

(1) The names, residential addresses, and Social Security numbers of the obligor and the obligee.

(2) The name, sex, residential address, Social Security number, and date of birth of each child for whom support is sought.

(3) Any other information that may assist in locating or identifying the respondent.

(b) The petition must:

(1) be accompanied by a certified copy of any support order in effect; and

(2) specify the relief sought.

(c) The petition and accompanying documents must conform

substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency. *As added by P.L.1-1997, SEC.10.*

IC 31-18-3-12

Nondisclosure of information in exceptional circumstances

Sec. 12. Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child may be unreasonably put at risk by the disclosure of identifying information, or as provided by an existing order, a tribunal or a Title IV-D agency or its agents may determine that:

- (1) the address of the party or child; or
- (2) other identifying information;

may not be disclosed in a pleading or other document filed in a proceeding under this article.

As added by P.L.1-1997, SEC.10.

IC 31-18-3-13

Costs and fees

Sec. 13. (a) The petitioner or Title IV-D agent, or both, may not be required to pay a filing fee.

(b) Whenever appropriate, a responding tribunal may assess against either party all or part of the following:

- (1) filing fees;
- (2) reasonable attorney's fees;
- (3) necessary travel expenses;
- (4) blood or genetic testing costs; and
- (5) any other reasonable expenses incurred by the party and their witnesses.

(c) The tribunal may not assess costs described in subsection (b) against the obligee or the support enforcement agency of either the initiating or the responding state, except as otherwise provided by law.

(d) Attorney's fees may be ordered. If attorney's fees are ordered, the court shall order the fees to be paid directly to the attorney, who may enforce the order in the attorney's own name. However, payment of support owed to the obligee has priority over fees, costs, and expenses.

(e) The tribunal shall order the payment of costs and reasonable attorney's fees if the tribunal determines that a hearing was requested primarily as the result of delay. In a proceeding under IC 31-18-6, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

As added by P.L.1-1997, SEC.10.

IC 31-18-3-14

Limited immunity

Sec. 14. (a) Participation by a petitioner in a proceeding before a responding tribunal whether:

- (1) in person;

- (2) by private attorney; or
- (3) through services provided by the Title IV-D agency or its agents;

does not confer personal jurisdiction over the petitioner in another proceeding.

(b) A petitioner is not amenable to service of civil process while physically present in Indiana to participate in a proceeding under this article.

(c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this article committed by a party while present in Indiana to participate in the proceeding.

As added by P.L.1-1997, SEC.10.

IC 31-18-3-15

Nonparentage as defense

Sec. 15. A party whose paternity of a child has been previously determined by law may not plead nonparentage as a defense to a proceeding under this article.

As added by P.L.1-1997, SEC.10.

IC 31-18-3-16

Special rules of evidence and procedure

Sec. 16. (a) The physical presence of the petitioner in a responding Indiana tribunal is not required:

- (1) for establishing, enforcing, or modifying a support order; or
- (2) for a judgment of paternity.

(b) A verified petition, affidavit, or document substantially complying with federally mandated forms and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible into evidence if given under oath by a party or witness residing in another state.

(c) A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The certified copy is:

- (1) evidence of facts asserted in the copy; and
- (2) admissible to show whether payments were made.

(d) Copies of bills for:

- (1) paternity testing; and
- (2) prenatal and postnatal health care of the mother and child;

furnished to the adverse party at least ten (10) days before trial are admissible into evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(e) Documentary evidence transmitted from another state to an Indiana tribunal by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under this article, an Indiana tribunal may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at:

- (1) a designated tribunal; or
- (2) another designated location in the other state.

The deposition or testimony must be conducted while the party or witness is under oath. An Indiana tribunal shall cooperate with a tribunal in another state in designating an appropriate location for the deposition or testimony.

(g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(h) A privilege against disclosure of communications between spouses who are parties to the proceeding does not apply in a proceeding under this article.

As added by P.L.1-1997, SEC.10.

IC 31-18-3-17

Communication between tribunals

Sec. 17. (a) An Indiana tribunal may communicate with a tribunal of another state in writing, by telephone, or any other means to obtain information concerning the:

- (1) laws of the other state;
- (2) legal effect of a judgment, a decree, or an order of the other state's tribunal; and
- (3) status of a proceeding in the other state.

(b) An Indiana tribunal may furnish similar information by similar means to a tribunal of another state.

As added by P.L.1-1997, SEC.10.

IC 31-18-3-18

Assistance with discovery

Sec. 18. An Indiana tribunal may:

- (1) request a tribunal of another state to assist in obtaining discovery; and
- (2) upon request, compel a person over whom the Indiana tribunal has jurisdiction to respond to a discovery order issued by the tribunal of another state.

As added by P.L.1-1997, SEC.10.

IC 31-18-3-19

Receipt and disbursement of payments

Sec. 19. An Indiana tribunal shall promptly disburse amounts received under a support order as directed by the order. The agency or tribunal shall furnish to a:

- (1) requesting party; or
- (2) tribunal of another state;

a certified statement by the custodian of the record of the amount and date of each payment received.

As added by P.L.1-1997, SEC.10.

IC 31-18-4

Chapter 4. Establishment of Support Orders

IC 31-18-4-1

Conditions for issuance of support order by responding Indiana tribunal

Sec. 1. If a support order entitled to recognition under this article has not been issued, a responding Indiana tribunal may issue a support order if the:

- (1) individual seeking the order resides in another state; or
- (2) support enforcement agency seeking the order is located in another state.

As added by P.L.1-1997, SEC.10.

IC 31-18-4-2

Issuance of temporary support order after acknowledgment or determination of paternity

Sec. 2. The tribunal may issue a temporary child support order upon a finding, after notice and opportunity to be heard, that:

- (1) the respondent has signed a verified statement acknowledging paternity; or
- (2) the respondent's paternity has been established.

As added by P.L.1-1997, SEC.10.

IC 31-18-4-3

Issuance of support order after finding duty of support

Sec. 3. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, a tribunal:

- (1) shall issue a support order directed to the obligor; and
- (2) may issue any other order described under IC 31-18-3-5.

As added by P.L.1-1997, SEC.10.

IC 31-18-5

Chapter 5. Direct Enforcement of an Order of Another State Without Registration

IC 31-18-5-1

Recognition of income withholding order of another state

Sec. 1. (a) An income withholding order issued in another state may be sent by first class mail to the person or entity defined as the obligor's income payor under Indiana's income withholding law under IC 31-16-15 without first filing a petition or registering the order with an Indiana tribunal. Upon receipt of the order, the income payor shall:

- (1) treat an income withholding order issued in another state that appears regular on its face as if the order had been issued by an Indiana tribunal;
- (2) immediately provide a copy of the order to the obligor; and
- (3) distribute the funds as specified in section 1.1 of this chapter.

(b) An obligor may contest the validity or enforcement of an income withholding order issued in another state in the same manner as if the order had been issued by an Indiana tribunal. IC 31-18-6 applies to the contest.

(c) The obligor shall give notice of the contest under this section to:

- (1) any support enforcement agency providing services to the obligee; and
- (2) a person or an agency designated in the income withholding order to receive payments, or if a person or an agency is not designated, the obligee.

As added by P.L.1-1997, SEC.10. Amended by P.L.213-1999, SEC.22.

IC 31-18-5-1.1

Compliance with withholding order

Sec. 1.1. (a) Except as provided in subsection (b) and IC 31-18-6-2.1, an employer shall withhold and distribute the funds as directed in a withholding order by complying with the applicable terms of the order that specify the following:

- (1) The duration and the amount of periodic payments of current child support, stated as a certain sum.
- (2) The person or agency designated to receive payments and the address to which the payments are to be forwarded.
- (3) Medical support, whether in the form of periodic cash payments, stated as a certain sum, or an order to the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment.
- (4) The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as a certain sum.
- (5) The amount of periodic payments of arrears and interest on

arrears, stated as a certain sum.

(b) The employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

- (1) the employer's fee for processing an income withholding order or credit;
- (2) the maximum amount permitted to be withheld from the obligor's income; and
- (3) the periods within which the employer must implement the withholding order and forward the child support payment.

As added by P.L.213-1999, SEC.23.

IC 31-18-5-2

Administrative enforcement of orders

Sec. 2. (a) Whenever enforcement is sought for:

- (1) a support order;
- (2) an income withholding order; or
- (3) both;

issued in a Title IV-D case by a tribunal of another state, documents required for registering the order may be sent to the Title IV-D agency of Indiana.

(b) Upon receipt of the documents, the Title IV-D agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by Indiana law to enforce a support order or an income withholding order or both.

(c) If the obligor does not contest administrative enforcement, the Title IV-D agency is not required to register the order. If no administrative procedure authorized by Indiana law is used, the Title IV-D agency shall send the documents required for registering the order to the appropriate Title IV-D agency.

As added by P.L.1-1997, SEC.10. Amended by P.L.213-1999, SEC.24.

IC 31-18-6

Chapter 6. Enforcement and Modification of Support Orders After Registration

IC 31-18-6-1

Registration of order for enforcement

Sec. 1. A support order or an income withholding order issued by a tribunal of another state may be registered in Indiana for enforcement.

As added by P.L.1-1997, SEC.10.

IC 31-18-6-2

Procedure to register order for enforcement

Sec. 2. (a) A support order or an income withholding order of another state may be registered in Indiana by sending the following documents and information to the appropriate tribunal in Indiana:

(1) A letter of transmittal to the tribunal requesting registration and enforcement.

(2) Two (2) copies, including one (1) certified copy, of each order that is required to be registered, including any modification of an order.

(3) A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage.

(4) The name of the obligor and, if known:

(A) the obligor's address and Social Security number;

(B) the name and address of the obligor's employer and any other source of income of the obligor; and

(C) a description and the location of property of the obligor in Indiana not exempt from execution.

(5) The name and address of the obligee and, if applicable, the agency or person to whom support payments must be remitted.

(b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one (1) copy of the documents and information, regardless of form.

(c) A petition seeking a remedy that must be affirmatively sought under other Indiana law may be filed at the same time as the request for registration or later. The petition must specify the grounds for the remedy sought.

As added by P.L.1-1997, SEC.10.

IC 31-18-6-2.1

Multiple orders for enforcement

Sec. 2.1. If an obligor's employer receives multiple orders to withhold support from the earnings of the same obligor, the employer shall be considered to have satisfied the terms of the multiple orders if the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld from multiple child support obligees is complied with.

As added by P.L.213-1999, SEC.25.

IC 31-18-6-2.2

Immunity from civil liability

Sec. 2.2. An employer who complies with an income withholding order issued in another state in accordance with this article is not subject to civil liability to any individual or agency with regard to the employer's withholding child support from the obligor's income.

As added by P.L.213-1999, SEC.26.

IC 31-18-6-2.3

Penalties

Sec. 2.3. An employer who willfully fails to comply with an income withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

As added by P.L.213-1999, SEC.27.

IC 31-18-6-3

Effect of registration for enforcement

Sec. 3. (a) A support order or an income withholding order issued in another state is registered when the order is filed with the clerk of the appropriate court.

(b) A registered order issued in another state is:

- (1) enforceable in the same manner; and
- (2) subject to the same procedures;

as an order issued by an Indiana tribunal.

(c) Except as otherwise provided in this article, an Indiana tribunal shall recognize and enforce but may not modify a registered order if the issuing tribunal had jurisdiction.

As added by P.L.1-1997, SEC.10. Amended by P.L.213-1999, SEC.28.

IC 31-18-6-4

Choice of law

Sec. 4. (a) The law of the issuing state governs the:

- (1) nature, extent, amount, and duration of current payments and other obligations of support; and
- (2) payment of arrearages under the order.

(b) In a proceeding for arrearages, the statute of limitations under:

- (1) Indiana law; or
- (2) the law of the issuing state;

whichever is longer, applies.

As added by P.L.1-1997, SEC.10.

IC 31-18-6-5

Registry of registered foreign support orders

Sec. 5. The clerk of the court shall maintain a registry of registered foreign support orders:

- (1) in an appropriate location for filing the orders; and
- (2) in which the clerk shall file foreign support orders.

As added by P.L.1-1997, SEC.10.

IC 31-18-6-6

Requirements for petition for registration

Sec. 6. (a) The petition for registration must:

- (1) be verified and set forth:
 - (A) the amount remaining unpaid; and
 - (B) a list of any other states in which the support order is registered; and
- (2) have attached to it a certified copy of the support order with all modifications of the support order.

(b) The registered foreign support order shall be given full force and effect subject to confirmation or rescission of the order by the court.

As added by P.L.1-1997, SEC.10. Amended by P.L.213-1999, SEC.29.

IC 31-18-6-7

Obtaining jurisdiction; defenses; default; adjudication

Sec. 7. (a) The procedure to obtain jurisdiction of the person or property of the obligor shall be as provided in civil cases. The obligor may assert any defense available to an action on a foreign judgment.

(b) If the obligor defaults, the court shall enter an order:

- (1) confirming the registered support order; and
- (2) determining the amounts remaining unpaid.

(c) If the obligor appears and a hearing is held, the court shall adjudicate the issues including the amounts remaining unpaid.

As added by P.L.1-1997, SEC.10.

IC 31-18-6-8

Confirmed order precludes further contest

Sec. 8. Confirmation of a registered order, after notice and hearing, precludes further contest of the order regarding any matter that could have been asserted at the time of registration.

As added by P.L.1-1997, SEC.10.

IC 31-18-6-9

Procedure to register child support order of another state for modification

Sec. 9. (a) A party or Title IV-D agent seeking to modify or to modify and enforce a child support order issued in another state shall register the order in Indiana in the same manner as provided in sections 1 through 4 of this chapter if the order has not been registered.

(b) A petition for modification may be filed at the same time as a request for registration or later. The petition must specify the grounds for modification.

As added by P.L.1-1997, SEC.10.

IC 31-18-6-10

Effect of registration for modification

Sec. 10. An Indiana tribunal may enforce a child support order of

another state registered for purposes of modification in the same manner as if the order had been issued by an Indiana tribunal. However, the registered order may be modified only if the requirements of section 11 of this chapter have been met.

As added by P.L.1-1997, SEC.10.

IC 31-18-6-11

Modification of child support order of another state

Sec. 11. (a) After a child support order issued in another state has been registered in Indiana, unless the provisions of section 13 of this chapter apply, the responding Indiana tribunal may modify the order only if, after notice and hearing, the responding tribunal finds that:

(1) the:

(A) child, individual obligee, and obligor do not reside in the issuing state;

(B) petitioner who is a nonresident of Indiana seeks modification; and

(C) respondent is subject to the personal jurisdiction of the Indiana tribunal; or

(2) an individual party or the child is subject to the personal jurisdiction of the tribunal and all of the individual parties have filed a written consent in the issuing tribunal providing that an Indiana tribunal may modify the support order and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not enacted the Uniform Interstate Family Support Act, the written consent of the individual party residing in Indiana is not required for the tribunal to assume jurisdiction to modify the child support order.

(b) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by an Indiana tribunal. The order may be enforced and satisfied in the same manner.

(c) An Indiana tribunal may not modify any aspect of a child support order that may not be modified under the law of the issuing state. If two (2) or more tribunals have issued child support orders for the same obligor and child, the order that is controlling and must be recognized under the provisions of IC 31-18-2-7 establishes the nonmodifiable aspects of the support order.

(d) Upon the modification of a child support order issued in another state, an Indiana tribunal becomes the tribunal of continuing, exclusive jurisdiction.

(e) Not more than thirty (30) days after issuing a modified child support order, the party obtaining the modification shall file a certified copy of the order:

(1) with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order; and

(2) in each tribunal in which the party knows that the earlier order has been registered.

(f) Failure of the party obtaining the order to file a certified copy as required under subsection (e) subjects the party to appropriate

sanctions by a tribunal in which the issue of failure to file arises, but the failure has no effect on the validity or enforceability of the modified order of the new tribunal of continuing, exclusive jurisdiction.

As added by P.L.1-1997, SEC.10. Amended by P.L.213-1999, SEC.30.

IC 31-18-6-12

Recognition of order modified in another state

Sec. 12. An Indiana tribunal shall recognize a modification of its earlier child support order by a tribunal of another state that assumed jurisdiction under a law substantially similar to this article. Upon request, except as otherwise provided in this article, the Indiana tribunal shall do the following:

- (1) Enforce the order that was modified only as to amounts accruing before the modification.
- (2) Enforce only nonmodifiable aspects of the order.
- (3) Provide other appropriate relief only for a violation of the order that occurred before the effective date of the modification.
- (4) Recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

As added by P.L.1-1997, SEC.10.

IC 31-18-6-13

Jurisdiction to enforce issuing state's order

Sec. 13. (a) If all of the individual parties reside in Indiana and the child does not reside in the issuing state, an Indiana tribunal has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register the order.

(b) An Indiana tribunal exercising jurisdiction as provided in this section shall apply the provisions of IC 31-18-1, IC 31-18-2, and this chapter to the enforcement or modification proceeding. If the conditions of subsection (a) exist, IC 31-18-3 through IC 31-18-5, IC 31-18-7, and IC 31-18-8 do not apply, and the tribunal shall apply the procedural and substantive law of Indiana.

As added by P.L.213-1999, SEC.31.

IC 31-18-7

Chapter 7. Paternity Determinations

IC 31-18-7-1

Proceeding to determine paternity

Sec. 1. (a) An Indiana tribunal may serve as an initiating or a responding tribunal in a proceeding brought under:

(1) this article or a law or procedure substantially similar to this article; or

(2) a law or procedure substantially similar to the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act;

to determine that the petitioner is a parent of a child or to determine that a respondent is a parent of the child.

(b) In a proceeding to determine paternity, a responding Indiana tribunal shall apply the:

(1) procedural and substantive law of Indiana; and

(2) rules of Indiana on choice of law.

As added by P.L.1-1997, SEC.10. Amended by P.L.213-1999, SEC.32.

IC 31-18-7-2

Jurisdiction

Sec. 2. Nothing in this chapter shall be construed to confer jurisdiction on the court to determine issues of custody, parenting time, or the surname of a child. However, the parties may stipulate to the jurisdiction of the court with regard to custody, parenting time, or the surname of a child.

As added by P.L.1-1997, SEC.10. Amended by P.L.68-2005, SEC.55.

IC 31-18-8
Chapter 8. Interstate Rendition

IC 31-18-8-1
Grounds for rendition

Sec. 1. (a) As used in this chapter, "governor" includes:

- (1) an individual performing the functions of governor; or
- (2) the executive authority of a state covered by this article.

(b) The governor of Indiana may:

- (1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in Indiana with having failed to provide for the support of an obligee; or
- (2) on the demand by the governor of another state, surrender an individual found in Indiana who is charged criminally in the other state with having failed to provide for the support of an obligee.

(c) A provision for extradition of individuals not inconsistent with this article applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled from the demanding state.

As added by P.L.1-1997, SEC.10.

IC 31-18-8-2
Conditions of rendition

Sec. 2. (a) Before making demand that the governor of another state surrender an individual charged criminally in Indiana with having failed to provide for the support of an obligee, the governor of Indiana may require a prosecuting attorney in Indiana to demonstrate that:

- (1) at least sixty (60) days previously the obligee had initiated proceedings for support under this article; or
- (2) the proceeding would be of no avail.

(b) If under:

- (1) this article or a law substantially similar to this article;
- (2) the Uniform Reciprocal Enforcement of Support Act; or
- (3) the Revised Uniform Reciprocal Enforcement of Support Act;

the governor of another state makes a demand that the governor of Indiana surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecuting attorney to investigate the demand and report whether a proceeding for support has been initiated or may be effective.

(c) If a proceeding for support may be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(d) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may

decline to honor the demand.

(e) If the:

(1) petitioner prevails; and

(2) individual whose rendition is demanded is subject to a support order;

the governor may decline to honor the demand if the individual is complying with the support order.

As added by P.L.1-1997, SEC.10.

IC 31-18-9

Chapter 9. Miscellaneous Provisions

IC 31-18-9-1

Uniformity of application and construction

Sec. 1. This article must be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this article among states enacting it.

As added by P.L.1-1997, SEC.10.

IC 31-18-9-2

Short title

Sec. 2. This article may be cited as the Uniform Interstate Family Support Act.

As added by P.L.1-1997, SEC.10.

IC 31-18-9-3

Severability clause

Sec. 3. (a) If a provision of this article or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this article that must be given effect without the invalid provision or application.

(b) The provisions of this article are severable as described under this section.

As added by P.L.1-1997, SEC.10.

IC 31-18-9-4

Remedies

Sec. 4. Remedies under this article:

(1) are cumulative; and

(2) do not affect the availability of remedies under any other law.

As added by P.L.1-1997, SEC.10.