

IC 31-16-17

Chapter 17. Liability for Support of Parents

IC 31-16-17-1

Duty to furnish support for parents

Sec. 1. Any individual:

(1) whose father or mother provided the individual with necessary food, shelter, clothing, medical attention, and education until the individual reached sixteen (16) years of age; and

(2) who is financially able due to the individual's own property, income, or earnings;

shall contribute to the support of the individual's parents if either parent is financially unable to furnish the parent's own necessary food, clothing, shelter, and medical attention. The individual shall also provide financial support for the parent's burial if the parent's burial is provided under IC 12-20-16-12.

As added by P.L.1-1997, SEC.8. Amended by P.L.139-2000, SEC.4.

IC 31-16-17-2

Action for support; parties plaintiff

Sec. 2. An action for support of a parent may be instituted against a child for violation of the duty to support a parent as required by section 1 of this chapter by filing a verified complaint in a circuit or superior court of the county of the residence of either parent. The plaintiff or plaintiffs must be:

(1) the parent or parents; or

(2) the:

(A) prosecuting attorney of the judicial circuit;

(B) local office of the county in which the parent resides;

(C) township trustee of the township in which the parent resides; or

(D) division of family resources;

on behalf of the parent.

As added by P.L.1-1997, SEC.8. Amended by P.L.3-2008, SEC.236; P.L.128-2012, SEC.43.

IC 31-16-17-3

Averments of complaint

Sec. 3. The complaint must allege definite specific facts to establish:

(1) the duty to support; and

(2) the violation of the duty to support.

As added by P.L.1-1997, SEC.8.

IC 31-16-17-4

Standing; costs

Sec. 4. (a) Any of the following may prosecute a civil action for support of a parent:

(1) The parent.

- (2) The township trustee.
- (3) The department.
- (4) The director of the division of family resources.
- (5) The prosecuting attorney.
- (b) Costs may not be taxed against:
 - (1) the prosecuting attorney;
 - (2) the department;
 - (3) the township trustee; or
 - (4) the director of the division of family resources.

As added by P.L.1-1997, SEC.8. Amended by P.L.145-2006, SEC.240; P.L.128-2012, SEC.44.

IC 31-16-17-5

Attorney's fees

Sec. 5. In an action brought under this chapter in which:

- (1) the parent is the plaintiff; and
- (2) judgment is entered for the plaintiff;

the plaintiff is also entitled to recover reasonable attorney's fees, which the court trying the action shall enter as a part of the judgment.

As added by P.L.1-1997, SEC.8.

IC 31-16-17-6

Pleading; service of notice on defendant

Sec. 6. Notice shall be served upon a defendant and issues shall be made upon the verified complaint as in other civil actions.

As added by P.L.1-1997, SEC.8.

IC 31-16-17-7

Additional parties defendant; admissibility of evidence

Sec. 7. (a) The court on the court's own motion may order other children made additional parties defendant.

(b) In the trial of the action, evidence may be admitted concerning support and care furnished to or by children other than the defendants.

As added by P.L.1-1997, SEC.8.

IC 31-16-17-8

Appeal and review

Sec. 8. (a) If:

- (1) the finding of the court; or
- (2) the verdict of the jury;

is for or against the defendant, each party aggrieved by the finding or verdict may file a motion for a new trial and other proceedings that are proper in other civil actions.

(b) Appeals may be taken as in other civil actions.

As added by P.L.1-1997, SEC.8.

IC 31-16-17-9

Jury verdict

Sec. 9. If the trial is by jury, the verdict of the jury must state only

that the jury finds in favor of each party that should recover.
As added by P.L.1-1997, SEC.8.

IC 31-16-17-10

Judgment and order

Sec. 10. If the verdict or finding of the court is against a defendant, the court shall:

- (1) enter judgment against the defendant or defendants; and
- (2) order that adequate provision be made for the support of the parent or parents, taking into consideration:
 - (A) the needs of the parent or parents;
 - (B) the ability of the defendant to pay; and
 - (C) the evidence given in the action concerning treatment given the child by the parent when obligated to support the child.

As added by P.L.1-1997, SEC.8.

IC 31-16-17-11

Continuing order; modification; execution

Sec. 11. (a) An order of the court under section 10 of this chapter is a continuing order. The court has jurisdiction to modify the order with respect to:

- (1) the order's continuation;
 - (2) the amount of support; and
 - (3) the method of payment at any time during the need of the parent or during the financial ability of the child.
- (b) The order:
- (1) must be for the payment of periodical amounts, equal or varying; and
 - (2) may be apportioned in different amounts between the respective children who may be parties defendant to the proceedings.
- (c) Execution of the order:
- (1) may issue on the judgment if an amount is due on the judgment; and
 - (2) shall be executed without any relief from valuation, appraisement, or exemption laws.

As added by P.L.1-1997, SEC.8.

IC 31-16-17-12

Contempt

Sec. 12. If a defendant is in default for failure to comply with the order and judgment of the court, the same process may be used for contempt of court as in divorce proceedings.

As added by P.L.1-1997, SEC.8.