

## **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.*