

PROPOSED AMENDMENT

HB 1092 # 9

DIGEST

Delinquent child support and criminal history checks. Requires a certificate holder to determine if a person is delinquent in child support before disbursing a payout of \$600 or more. Requires a vendor to determine if a person is delinquent in child support before disbursing a payout that triggers an obligation to file a Form W-2G or substantially equivalent form. Allows a vendor to deduct a certain amount from a payout in the same manner as a certificate holder. Requires an applicant for a child caring institution license to conduct a criminal history check for each volunteer who is likely to have unsupervised contact with children in the child caring institution or who is likely to have access to a child's medical records.

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- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 4-38-11-1, AS ADDED BY P.L.293-2019,
3 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2026]: Sec. 1. (a) The bureau (**as defined in IC 4-33-2-3.7**)
5 shall provide information to a certificate holder **or vendor** concerning
6 persons who are delinquent in child support.
7 (b) Prior to:
8 **(1) a certificate holder disbursing a payout of six hundred dollars**
9 **(\$600) or more; ~~in winnings, from sports wagering to a person~~**
10 **~~who is delinquent in child support and who is claiming the~~**
11 **~~winning sports wager in person at the certificate holder's facility;~~**
12 **~~the certificate holder; or~~**
13 **(2) a vendor disbursing a payout that triggers the vendor's**
14 **obligation to file Form W-2G or a substantially equivalent**
15 **form with the United States Internal Revenue Service;**
16 **the certificate holder or vendor shall check to determine if the**
17 **person claiming the payout is delinquent in child support.**
18 **(c) If the person claiming the payout described by subsection (b)**
19 **is delinquent in child support, the certificate holder or vendor:**
20 (1) may deduct and retain an administrative fee in the amount of
21 the lesser of:
22 (A) three percent (3%) of the amount of delinquent child
23 support withheld under subdivision (2)(A); or

- 1 (B) one hundred dollars (\$100); and
- 2 (2) shall:
 - 3 (A) withhold the amount of delinquent child support owed
 - 4 from winnings;
 - 5 (B) transmit to the bureau:
 - 6 (i) the amount withheld for delinquent child support; and
 - 7 (ii) identifying information, including the full name, address,
 - 8 and Social Security number of the obligor and the child
 - 9 support case identifier, the date and amount of the payment,
 - 10 and the name and location of the licensed owner, operating
 - 11 agent, **vendor**, or trustee; and
 - 12 (C) issue the obligor a receipt in a form prescribed by the
 - 13 bureau with the total amount withheld for delinquent child
 - 14 support and the administrative fee.
 - 15 ~~(e)~~ **(d)** The bureau shall notify the obligor at the address provided
 - 16 by the certificate holder **or vendor** that the bureau intends to offset the
 - 17 obligor's delinquent child support with the winnings.
 - 18 ~~(d)~~ **(e)** The bureau shall hold the amount withheld from the
 - 19 winnings of an obligor for ten (10) business days before applying the
 - 20 amount as payment to the obligor's delinquent child support.
 - 21 ~~(e)~~ **(f)** The delinquent child support required to be withheld under
 - 22 this section and an administrative fee described under subsection ~~(b)~~**(1)**
 - 23 **(c)(1)** have priority over any secured or unsecured claim on winnings
 - 24 except claims for federal or state taxes that are required to be withheld
 - 25 under federal or state law.".
 - 26 Page 2, delete lines 1 through 23.
 - 27 Page 4, delete line 42, begin a new paragraph and insert:
 - 28 "SECTION 6. IC 31-27-3-3, AS AMENDED BY P.L.81-2025,
 - 29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 - 30 JULY 1, 2026]: Sec. 3. (a) An applicant must apply for a child caring
 - 31 institution license on forms provided by the department.
 - 32 (b) An applicant must submit the required information as part of the
 - 33 application.
 - 34 (c) The applicant must submit with the application a statement
 - 35 attesting the following:
 - 36 (1) Whether the applicant has been convicted of:
 - 37 (A) a felony; or
 - 38 (B) a misdemeanor relating to the health and safety of
 - 39 children.
 - 40 (2) Whether the applicant has been charged with:

- 1 (A) a felony; or
 2 (B) a misdemeanor relating to the health and safety of
 3 children;
 4 during the pendency of the application.
- 5 (d) The department, on behalf of an applicant, or, at the discretion
 6 of the department, an applicant, shall conduct a criminal history check
 7 of the following:
- 8 (1) Each individual who is an applicant.
 9 (2) The director or manager of a facility where children will be
 10 placed.
 11 (3) Each employee ~~or volunteer~~ of the applicant.
 12 (4) Each contractor or individual working in the child caring
 13 institution who is likely to have unsupervised contact with
 14 children in the child caring institution.
- 15 **(5) Each volunteer of the applicant who is likely to have:**
- 16 **(A) unsupervised contact with children in the child caring**
 17 **institution; or**
 18 **(B) access to a child's electronic or physical medical**
 19 **records.**
- 20 (e) If the applicant conducts a criminal history check under
 21 subsection (d), the applicant shall:
- 22 (1) maintain records of the information it receives concerning
 23 each individual who is the subject of a criminal history check; and
 24 (2) submit to the department a copy of the information it receives
 25 concerning each person described in subsection (d)(1) through
 26 ~~(d)(4)~~. **(d)(5)**.
- 27 (f) If the department conducts a criminal history check on behalf of
 28 an applicant under subsection (d), the department shall:
- 29 (1) determine whether the subject of a national fingerprint based
 30 criminal history check has a record of:
- 31 (A) a conviction for a felony;
 32 (B) a conviction for a misdemeanor relating to the health and
 33 safety of a child; or
 34 (C) a juvenile adjudication for a nonwaivable offense, as
 35 defined in IC 31-9-2-84.8 that, if committed by an adult,
 36 would be a felony;
- 37 (2) notify the applicant of the determination under subdivision (1)
 38 without identifying a specific offense or other identifying
 39 information concerning a conviction or juvenile adjudication
 40 contained in the national criminal history record information;

- 1 (3) submit to the applicant a copy of any state limited criminal
 2 history report that the department receives on behalf of any person
 3 described in subsection (d); and
 4 (4) maintain a record of every report and all information the
 5 department receives concerning a person described in subsection
 6 (d).
- 7 (g) Except as provided in subsection (h), a criminal history check
 8 described in subsection (d) is required only at the time an application
 9 for a new license or the renewal of an existing license is submitted.
- 10 (h) Except as provided in subsection (i), a criminal history check of
 11 each person described in subsection (d)(2) ~~(d)(3)~~, or ~~(d)(4)~~ **through**
 12 **(d)(5)** must be completed on or before the date the person:
 13 (1) is employed;
 14 (2) is assigned as a volunteer; or
 15 (3) enters into, or the person's employing entity enters into, a
 16 contract with the applicant.
- 17 (i) An individual may be employed by a child caring institution as
 18 an employee, volunteer, or contractor before a criminal history check
 19 of the individual is completed as required under subsection (h) if all of
 20 the following conditions are satisfied:
 21 (1) The following checks have been completed regarding the
 22 individual:
 23 (A) A fingerprint based check of national crime information
 24 data bases under IC 31-9-2-22.5(1).
 25 (B) A national sex offender registry check under
 26 IC 31-9-2-22.5(3).
 27 (C) An in-state local criminal records check under
 28 IC 31-9-2-22.5(4).
 29 (D) An in-state child protection index check under
 30 IC 31-33-26.
- 31 (2) If the individual has resided outside Indiana at any time during
 32 the five (5) years preceding the individual's date of hiring by the
 33 child caring institution, the following checks have been requested
 34 regarding the individual:
 35 (A) An out-of-state child abuse registry check under
 36 IC 31-9-2-22.5(2).
 37 (B) An out-of-state local criminal records check under
 38 IC 31-9-2-22.5(4).
- 39 (3) The individual's employment before the completion of the
 40 criminal history check required under subsection (h) is limited to

- 1 training during which the individual:
- 2 (A) does not have contact with children who are under the care
- 3 and control of the child caring institution; and
- 4 (B) does not have access to records containing information
- 5 regarding children who are under the care and control of the
- 6 child caring institution.
- 7 (4) The individual completes an attestation, under penalty of
- 8 perjury, disclosing:
- 9 (A) any abuse or neglect complaints made against the
- 10 individual with the child welfare agency of a state other than
- 11 Indiana in which the individual resided within the five (5)
- 12 years preceding the date of the attestation; and
- 13 (B) any contact the individual had with a law enforcement
- 14 agency in connection with the individual's suspected or alleged
- 15 commission of a crime in a state other than Indiana in which
- 16 the individual resided within the five (5) years preceding the
- 17 date of the attestation.
- 18 (j) The applicant or facility is responsible for any fees associated
- 19 with a criminal history check.
- 20 (k) The department shall, at the applicant's request, inform the
- 21 applicant whether the department has or does not have a record of the
- 22 person who is the subject of a criminal history check and if the
- 23 department has identified the person as an alleged perpetrator of abuse
- 24 or neglect. The department may not provide to the applicant any details
- 25 or personally identifying information contained in any child protective
- 26 services investigation report.
- 27 (l) A person who is the subject of a criminal history check
- 28 conducted in accordance with this section may request the state police
- 29 department to provide the person with a copy of any state or national
- 30 criminal history report concerning the person."
- 31 Delete pages 5 through 6.
- 32 Page 7, delete lines 1 through 34.
- 33 Renumber all SECTIONS consecutively.
- (Reference is to HB 1092 as reprinted January 29, 2026.)