

	<b>INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL</b>	
	<b>Chapter 20: Other Child Support Related Topics</b>	<b>Effective Date: 04/06/2022</b>
	<b>Section 7: Annual Support Fees (ASFE)</b>	<b>Version: 1 Date: 04/06/2022</b>

## BACKGROUND

Federal law mandates that State child support agencies impose an annual fee of \$35.00 for each case in which child support services are provided, and the annual fee shall be paid by the individual applying for services, or recovered from the obligor, or paid by the State out of its own funds.<sup>1</sup>

In Indiana when a final court order requires a person to pay support or maintenance payments through the Clerk of Courts or the Indiana State Central Collection Unit (INSCCU), that obligor will also be liable for an annual support fee (ASFE) of \$55.00.<sup>2</sup> Income payors required to withhold income pursuant to a child support obligation shall pay the ASFE through income withholding procedures.<sup>3</sup>

## POLICY

Annually, the Child Support Bureau (CSB) charges an ASFE to the obligor in the amount of \$55.00 for each case where a final court order requires the obligor to pay a child support obligation or maintenance payment through the Clerk of Courts or INSCCU.<sup>4</sup> The ASFE payment is only processed through INSCCU.

## REFERENCES

- [IC 31-9-2-56](#): “Income”
- [IC 31-9-2-57](#): “Income payor”
- [IC 31-16-15-7.5](#): Income payor duties
- [IC 33-37-5-6](#): Support and maintenance payments; fees
- [15 U.S.C. § 1673](#): Restriction on garnishment
- [42 U.S.C. § 654](#): State plan for child and spousal support
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [45 C.F.R. § 302.33](#): Services to individuals not receiving title IV-A assistance
- [45 C.F.R. § 303.100](#): Procedures for income withholding

<sup>1</sup> 42 U.S.C. § 654(6)(B)(ii); 45 C.F.R. § 302.33(e)

<sup>2</sup> IC 33-37-5-6

<sup>3</sup> IC 33-37-5-6(f); IC 31-16-15-7.5; IC 31-9-2-56(a); IC 31-9-2-57(a)

<sup>4</sup> IC 33-37-5-6

## PROCEDURE

### 1. ASFE Notice to Obligor

For obligors with support obligations eligible for the ASFE without an active open employer in the statewide child support system, CSB issues the ASFE notice to his or her current address. If the obligor is incarcerated and the address listed for the obligor is a correctional facility or jail, the ASFE notice will not be sent to the obligor.

### 2. ASFE Notice to Withhold Income to Obligor's Employer

For obligors with support obligations eligible for the ASFE with an active open employer in the statewide child support system, CSB issues the ASFE Notice to Withhold Income to the obligor's employer. A \$2.00 fee to be paid by the obligor, at the income payor's option, may be assessed for each ASFE forwarded by the income payor to INSCCU.<sup>5</sup>

The Consumer Credit Protection Act (CCPA) sets limits on the maximum amount of a person's disposable earnings that can be withheld from the obligor's wages.<sup>6</sup> The CCPA limits the income withholding amounts to:

- a. 50%, if the obligor is supporting a spouse and/or child other than the spouse and/or child named in the order; and
- b. 60%, if the obligor is not supporting another spouse and/or child.<sup>7</sup>

## FORMS AND TOOLS

N/A

## FREQUENTLY ASKED QUESTIONS

1. Q. Does a payment need to post on a Title IV-D case or non-Title IV-D (NIVD) case for the ASFE notice to be issued by CSB?
  - A. For Title IV-D cases there is not a prerequisite for prior payments. For NIVD cases there is a prerequisite for at least one (1) payment in the past 12 months, unless the NIVD case was opened in the previous year. NIVD cases opened in the previous year do not require a payment to generate a notice.
2. Q. Are obligors in all intergovernmental cases required to pay Indiana's ASFE?
  - A. No, for cases where Indiana is the responding State, and thus enforcing another State's obligation, CSB issues the ASFE Notice to the obligor or the obligor's employer.
3. Q. If an obligor no longer has a current child support obligation, but an arrears obligation remains, will the ASFE be assessed?

<sup>5</sup> IC 31-16-15-7.5(b)

<sup>6</sup> 15 U.S.C. § 1673(b); 42 U.S.C. § 666(b)(1); 45 C.F.R. § 303.100(a)(3)

<sup>7</sup> 15 U.S.C. § 1673(b)

- A. Yes, the ASFE Notice will be issued to the obligor or the obligor's employer while the arrears balance remains outstanding.

<b>RELATED INFORMATION</b>
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N/A

<b>REVISION HISTORY</b>
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<b>Version</b>	<b>Date</b>	<b>Description of Revision</b>
Version 1	04/06/2022	Final approved version