

	<b>INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL</b>	
	<b>Chapter 17: Case Closure</b>	<b>Effective Date: 12/08/2021</b>
	<b>Section 8: Paternity Cannot Be Established – Child Over 20 Years Old (CPAT)</b>	<b>Version: 1.1 Revision Date: 12/08/2021</b>

**BACKGROUND**

Closing a case when paternity establishment is barred by statute of limitations is an auto closure process, which means the statewide child support system recognizes that case closure criteria have been met and initiates the intent to close notice.

The auto closure process takes place weekly on Saturday. If the first day of the month is a Saturday, the case closure program does not run that day, but runs the following Saturday. Only Title IV-D cases in the statewide child support system are considered for auto closure. The auto closure process excludes:

1. Intergovernmental cases that have not yet been assigned to a county; or
2. Cases in which a prior case closure attempt was cancelled in the previous one (1) year and that cancel was not cancelled.

Once the auto closure process selects a case for closure, it initiates an intent to close notice to the custodial party (CP) or other tribunal. This notice gives the party 60 days to contact the Title IV-D Prosecutor’s Office to request the case remain open or provide information that would make case closure inappropriate. After this 60 day period passes, the auto closure process determines whether the closure criteria still exists and if the closure process has been cancelled by the Title IV-D Prosecutor’s Office. If the criteria is still met and the process has not been cancelled, the case is automatically closed to Title IV-D services. If the case closure process has been cancelled, the case will not be eligible again for auto closure for one (1) year unless the “cancel the cancel” code (XNCL) is entered in the statewide child support system. If XNCL is entered, the case is reviewed again for case closure during the next weekly case closure program.

Closing the case to Title IV-D services does not affect the validity or status of a court order.

**POLICY**

A Title IV-D case may be closed due to the statute of limitations to establish paternity when the following criteria are met:

1. No child support order has been entered on this case;
2. All children must be 20 years old or older;
3. None of the children are disabled; and
4. The born out of wedlock (BOW) indicator must indicate each child was born out of wedlock and paternity has not been established.<sup>1</sup>

<sup>1</sup> IC 31-14-5-2; 45 C.F.R. § 303.11(b)(6)(i)

## REFERENCES

- [IC 31-14-5-2](#): Petition by minors and incompetent persons; time for filing petition; tolling of limitations during period of incompetency
- [45 C.F.R. § 303.2](#): Establishment of cases and maintenance of case records
- [45 C.F.R. § 303.11](#): Case closure criteria

## PROCEDURE

### 1. Determining Whether the Case Should Close

When the Title IV-D Prosecutor's Office becomes aware through the statewide child support system or through other means that a case meets the case closure criteria, the Title IV-D Prosecutor's Office may wish to review the case to determine whether to cancel the case closure process. The Title IV-D Prosecutor's Office may wish to consider the following factors:

- a. Whether the child was legally incompetent on the child's 18<sup>th</sup> birthday and remained legally incompetent to the present time;<sup>2</sup> and
- b. Whether there is a pending petition to establish paternity before the court.

If the Title IV-D Prosecutor's Office determines the case should not close, the Title IV-D Prosecutor's Office cancels the case closure process in the statewide child support system. This will prevent the case from automatically closing for one (1) year at which time the case will be automatically reevaluated for closure unless XNCL has been entered.

### 2. Case Type and Status Upon Closure

When a Title IV-D case is closed for this auto closure reason, the case closes to Title IV-D services and becomes a closed non-Title IV-D (NIVD) case.<sup>3</sup>

## FORMS AND TOOLS

1. [BOW/Paternity Code Desktop Guide](#)
2. [Case Closure Complete Guide](#)
3. [Case Closure Desktop Guide](#)
4. [Case Closure Matrix: How It Works](#)
5. [Why Didn't My Case Close - Case Closure Checklist](#)

## FREQUENTLY ASKED QUESTIONS

1. Q. When a CP receives the intent to close notice for this case closure reason and

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<sup>2</sup> IC 31-14-5-2(c)

<sup>3</sup> An exception to this is that a DCS child welfare case will close to Title IV-D services but does not change case type.

contacts the Title IV-D Prosecutor's Office and asks that the case remain open, may the Title IV-D Prosecutor's Office cancel or proceed with case closure? Does it matter if the CP provides new or additional information?

- A. If the CP provides new or additional information that could assist the Title IV-D Prosecutor's Office in working the case, then the Title IV-D Prosecutor's Office is strongly encouraged to cancel the case closure and proceed with working the case. However, if the CP does not provide new or additional information, then the Title IV-D Prosecutor's Office has the discretion as to whether to cancel or proceed with case closure. Regardless of whether the CP provides new or additional information or not, the Title IV-D Prosecutor's Office shall document the correspondence or conversation with the CP in the statewide child support system.<sup>4</sup>

#### **RELATED INFORMATION**

1. The ISETS case closure code is CPAT.

#### **REVISION HISTORY**

<b>Version</b>	<b>Date</b>	<b>Description of Revision</b>
Version 1	12/18/2018	Final approved version
Version 1.1	12/08/2021	Added FAQ regarding when CP responds to the notice of intent to close

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<sup>4</sup> 45 C.F.R. § 303.2(c)