

	INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL	
	Chapter 7: Multi-County Case Processing	Effective Date: 10/05/2020
	Section 3: Transfer of Jurisdiction Over Support Orders	Version: 1.1 Revision Date: 09/23/2020

BACKGROUND

N/A

POLICY

In cases where an order is established in the county of the Title IV-D Prosecutor’s Office but neither the custodial party (CP) nor the non-custodial parent (NCP) reside in that county, the Title IV-D Prosecutor’s Office may consider filing a petition with the Court for transfer of jurisdiction.¹

REFERENCES

- [IC 31-16-20-1](#): Application of chapter
- [IC 31-16-20-5](#): Hearing requirement; contents of petition; notice
- [IC 31-16-20-6](#): Transfer without notice and hearing
- [IC 33-37-3-1](#): Collection of fees in civil or paternity actions brought by or on behalf of state or political subdivisions
- [Ind. Rules of Trial Procedure Rule 75](#): Venue requirements

PROCEDURE

Indiana law provides that if neither the CP nor the NCP resides in the Order County, and it is in the best interest of the child(ren), then either the CP or the parties jointly may petition the Court for a transfer of jurisdiction to the county in which the CP resides.²

The Title IV-D Prosecutor’s Office may file a petition for a transfer of jurisdiction in a Title IV-D case on behalf of the CP or the parties jointly, under the same conditions that a party would be able to file. However, the Title IV-D Prosecutor’s Office is not required to assist in a party’s filing of a petition for a transfer of jurisdiction.

In a Title IV-D case, the petition for transfer of jurisdiction should request that the civil costs and fees be waived.³

¹ IC 31-16-20-1(2)

² IC 31-16-20-1; Ind. Trial Rule 75(A)

³ IC 33-37-3-1(a)

The Court must conduct a hearing on the petition for transfer of jurisdiction, unless the petition was filed jointly by the parties.⁴

Regardless of who filed the petition for transfer of jurisdiction of a Title IV-D case, the Title IV-D Prosecutor's Office in the county from where the case is being transferred takes all appropriate action including, but not limited to:

1. Ensuring an order to close the current support has been added;
2. Ensuring all subaccount balances are closed;
3. Placing notes on the statewide child support system including adding a case event with the new case number;
4. Contacting the receiving county or checking the statewide child support system to ensure that a case was created;
5. Closing the original case as a duplicate case when the new case number is determined (after overnight batch processing, the new case number can be found by doing a statewide case search for the case participants) and an income withholding order (IWO) termination is verified; and
6. Forwarding their case file by mail or electronically through Electronic Document Exchange (EDE) to the Title IV-D Prosecutor's Office in the receiving county. The case file should include a current Affidavit of Arrears, including a complete payment history from the transferring county.

The Clerk of Courts where the jurisdiction of the case is being transferred from is responsible for sending a copy of the Court's file to the Clerk of Courts in the county receiving jurisdiction.

Upon receiving notice of the new case, the Title IV-D Prosecutor's Office receiving the case:

1. Locates the newly transferred case in the statewide child support system, or creates the case if the transferring county did not create and transfer the new case;
2. Obtains the new cause number assigned by the Clerk of Courts and ensures that the cause number and any previously existing order extensions are added to the case in the statewide child support system;
3. Ensures the required subaccount balances are entered based on information from the transferring county's Affidavit of Arrears and/or court order(s);
4. Contacts the Title IV-D Prosecutor's Office in the transferring county to verify receipt and creation of the case;
5. Prepares and files any pleadings needed;
6. If appropriate, issues an amended IWO, notifying the employer of the change in case number, and notice to the NCP;
7. If payments were received on the old case number, notify Child Support Bureau (CSB) of the change and ask CSB to process the payments to the new case number; and
8. Ensures the case in the transferring county has been closed, and if not, request the transferring county complete this action.

FORMS AND TOOLS

1. [Intergovernmental Case Transfer Checklist](#)
2. [Transferring an ISETS Case to Another County](#)

⁴ IC 31-16-20-5; IC 31-16-20-6

FREQUENTLY ASKED QUESTIONS

1. Q. What is the difference in a Change of Venue and a Transfer of Jurisdiction?
 - A. The rules for a Change of Venue under Trial Rule 76 are fairly restrictive in both application and timing. Such is not the case with a transfer under IC 31-16-20. There is little practical difference in the end result, however. Any difference in the nuance of venue, location of the court cause, and jurisdiction of the Court with authority to hear the cause, should be stated in the Court's order.

RELATED INFORMATION

N/A

REVISION HISTORY

Version	Date	Description of Revision
Version 1	08/27/2018	Final approved version
Version 2	09/23/2020	Revised to use terminology of transfer of jurisdiction more consistent with the statute