



## INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

<b>Chapter 2:</b> Administration of Child Welfare	<b>Effective Date:</b> May 1, 2019
<b>Section 20:</b> Establishment of Child Support Orders	<b>Version:</b> 3

### STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) will request the court establish child support orders and/or redirect existing child support orders as appropriate when a child is removed from his/her home. A separate child support order will be established for each known parent who does not have custody of the child, when applicable. DCS will request appropriate disposition of existing child support orders when the Child in Need of Services (CHINS) case is closed. To contact your local Child Support Bureau Field Consultant, see the Indiana Child Support Bureau Field Consultant Region Map.

**Note:** The request to establish a child support order and/or redirect existing child support orders should also be completed for a youth who is a ward of DCS under a CHINS or Collaborative Care case (see Practice Guidance).

### Code References

1. [IC 31-40-1-5: Obligation of parent or guardian for costs of placement; remittance of support payments; enforcement](#)
2. [IC 31-30-1-12: Jurisdiction of child custody, parenting time, or child support proceeding in marriage dissolution; survival of order](#)
3. [IC 31-25-4-7: Duties of bureau](#)
4. [IC 31-25-4-13.1: Agreements with local government officials; contracting; attorney-client relationship; informing applicant; service level stipulation](#)
5. [IC 31-14-11-5: Date for support obligation to begin](#)
6. [IC 31-16-6-6 \(a\): Termination of child support; emancipation; petition for educational needs](#)
7. [42 USC 654: State plan for child and spousal support](#)
8. [45 CFR 302.52: Distribution of support collected in Title IV-E foster care maintenance cases](#)

### PROCEDURE

The Family Case Manager (FCM) will:

1. Log onto the [Indiana Support Enforcement Tracking System \(ISETS\) Child Support Case Inquiry Web Tool](#) to determine if a child support order has been established under any cause number [e.g. Juvenile Paternity (JP), Domestic Relations (DR), Guardian (GU), Juvenile Delinquent (JD), Juvenile Status (JS) or Juvenile CHINS (JC)]. See policy [5.05 Genetic Testing for Alleged Fathers](#) if a child support order has not been established;
2. Request that the family provide all financial information necessary for determination of the amount of support under the [Indiana Child Support Guidelines](#);

**Note:** This request includes but is not limited to income information from all sources, insurance information, child support being paid for other children, daycare expenses etc.

3. Complete the [DCS Child Support Worksheet Questionnaire Form](#);

**Note:** The information gathered from this questionnaire may be used by the DCS Staff Attorney to complete the official [Child Support Obligations Worksheet](#).

4. Submit the [DCS Child Support Worksheet Questionnaire Form](#) to the DCS Staff Attorney.

The FCM Supervisor will:

1. Ensure the FCM has access to [ISETS Child Support Case Inquiry Web Tool](#); and
2. Provide assistance as needed with establishing child support.

The DCS Staff Attorney will:

1. At the time of detention or as soon thereafter as practical or at the Dispositional Hearing:
  - a. File a petition to establish, modify, or redirect child support, as appropriate, regarding both parents; and

**Note:** Filing the petition as soon as possible is important because when a child support order is issued it can be made retroactive. This could occur as early as the first court hearing following the removal of the child (see Code References).

- b. Cooperate in getting a completed [Child Support Obligations Worksheet](#) in accordance with local practice.
2. No later than the Dispositional Hearing, request that the court issue a child support order for **each** parent, pursuant to the [Indiana Child Support Guidelines](#):
  - a. Request the court to enter an order establishing support if no child support order exists for the parent,

**Note:** If child support is being established for the first time in the CHINS case, it is recommended that the child support order(s) be issued separately from any other CHINS order(s). Due to confidentiality of CHINS cases, it is recommended that the child support order(s) be issued under the cause number of the underlying child support cause (e.g. JP or DR), if one exists. Only the child support order(s) should be distributed to the Clerk and the IV-D Prosecutor.

- b. Request the court to modify the amount of support, if appropriate and a child support order already exists for the parent,
  - c. Obtain an order for zero dollars "\$0" to meet the requirements of federal law, if the court determines that the parent should not pay child support. See Practice Guidance for [Child Support Guidelines](#).

**Note:** It is important that child support be addressed in writing in the court order.

- d. Assign DCS or the unlicensed relative caregiver as the payee of any existing or newly established child support order payments and redirect accordingly, if appropriate,

**Note:** All child support should be paid to the Indiana State Central Collection Unit (INSCCU) for distribution to DCS or the unlicensed relative caregiver as payee.

3. After the Dispositional Hearing, request a copy of only the child support orders be distributed to the IV-D Prosecutor's Child Support Office and the Clerks of Courts for entry into [ISETS Child Support Case Inquiry Web Tool](#); and
4. At the termination of the CHINS case:
  - a. Request that the Court modify the payee as appropriate and/or open a new cause number (e.g., JP/DR/GU) for purposes of the continued support order intended to survive the CHINS case,
  - b. Request that the Court vacate the support order if the child support order should not survive the CHINS case, and
  - c. Request distribution to the Title IV-D Prosecutor's Child Support Office and the Clerk of Courts a copy of the order dismissing the CHINS case and any final child support orders that were issued.

## **PRACTICE GUIDANCE**

### **Indiana Child Support Guidelines**

Indiana Child Support Guidelines require that numeric child support orders be established in all cases and the guidelines provide judges with the ability to establish zero dollar support orders. Establishing either a dollar amount or a zero dollar order, whichever is appropriate, will meet the Federal requirement for establishing child support orders on IV-E cases.

**Note:** Even if it is a zero dollar order, it must be established by the court with the numeric value of "\$0" included in the order.

### **CHINS Benchbook Forms**

The Indiana Judicial Center website page houses the Indiana Juvenile CHINS Benchbook Forms for child support that complies with the requirements of state and federal law. For access:

1. Scroll down to the Chapter 10, "Disposition," section;
2. Click on Form C-10.06, "Financial Obligation Order," and a Microsoft Word document will open; and
3. Scroll down the Word Document to get to the Child Support section.

### **Indiana Child Support Obligations Worksheet**

Indiana [Child Support Obligations Worksheet](#) will be used to determine the appropriate amount to request in child support. Zero dollar "\$0" obligations may be requested by DCS when appropriate and in the best interest of the child. Orders of "zero" should be obtained from the court in such cases, rather than obtaining no order.

The recommended amount should be the amount determined by the [Child Support Obligations Worksheet](#) completed in the prior step; however, a deviation from the Guideline amount may be appropriate where the court makes a specific finding that entry of an order based on the child support guidelines would be unjust or inappropriate considering the best interests of the child and other necessary obligations of the child's family; or the department does not make foster care maintenance payments to the custodian of the child.

## **Wards with Children**

If a youth who is a ward of DCS under a CHINS or Collaborative Care case is also a parent (i.e., a “parenting youth”), and the parenting youth’s child is also a ward of DCS in a CHINS case, paternity and child support for the parenting youth’s child should be addressed in the parenting youth’s child’s CHINS case, pursuant to policy [5.05 Genetic Testing for Alleged Fathers](#). If a parenting youth has a child who is not a ward of the State, the parenting youth may be referred to the local Prosecutor’s Office to apply for Title IV-D services for assistance with establishing paternity and child support for the parenting youth’s child.

## **FORMS AND TOOLS**

1. [DCS Child Support Worksheet Questionnaire Form](#)
2. [Indiana Child Support Bureau Field Consultant Region Map](#)
3. [Indiana Child Support Obligations Worksheet](#)
3. [Indiana Child Support Guidelines](#)
4. [Judicial Branch of Indiana Child Support Calculator](#)
5. CHINS Bench Book Order Forms – available via [Indiana Juvenile CHINS Benchbook Forms](#)
6. [Child Support Orders](#)
7. [ISETS Child Support Case Inquiry Web Tool](#)

## **RELATED INFORMATION**

Title IV-D of the Social Security Act requires states to provide services relating to the establishment of paternity or the establishment, modification, or enforcement of child support. In Indiana, the IV-D Child Support program is administered by DCS/Child Support Bureau (CSB), and is carried out locally by the county prosecutors, county clerks, and courts ([IC 31-25-4-7](#) and [IC 31-25-4-13.1](#)).

The Title IV-D Program is required by federal law to provide child support services in certain cases. Among those cases are cases in which benefits or services for foster care maintenance are provided to a child under Title IV-E ([42 USC 654](#)). Indiana’s child support performance is evaluated by the Federal government based on five federally mandated performance measures including: establishing paternity, establishing child support orders, current child support collections, child support cases paying on arrears, and cost effectiveness of the program.

## **Collaborative Care (CC)**

CC is a voluntary program that DCS youth are allowed to begin transferring to CC at 17 ½ years of age. The program is for DCS and Juvenile Delinquent (JD) youth 18 to 21 years of age and allows them to remain in the care and placement of DCS in order to continue to receive services.

## **Collaborative Care Youth and Emancipation**

The duty to support a child ends when the child turns 19. A court can order parents to continue to support the child past the age of emancipation if the child is incapacitated. If a youth in collaborative care is incapacitated, the DCS Staff Attorney may petition the court for a continuation of the child support order prior to the child’s 19<sup>th</sup> birthday ([IC 31-16-6-6\(a\)](#) and [IC 31-16-6-6\(a\)\(2\)](#)).

**Note:** The child support order may have been issued originally in the CHINS case, but if the CHINS case has closed and the child support order survived, the petition to continue child support may be filed in the Collaborative Care case.