

	INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL	
	Chapter 13: Review and Adjustment/ Modification of the Child Support Order	Effective Date: 07/28/2021
	Section 1: Time Frames for Review and Adjustment	Version: 2 Revision Date: 02/28/2022

BACKGROUND

N/A

DEFINITIONS

1. **“Adjustment”** is the federal term for an upward or downward change in the child support obligation. Indiana statutes use the term “modification” instead of “adjustment”.
2. **“Modification”** is the Indiana equivalent to the federal term “adjustment”. In Indiana, modifications to child support may be made only by order of a court. Some States however do permit child support to be adjusted through administrative procedures.
3. **“Review”** is an objective evaluation of information necessary for the application of the Indiana Child Support Guidelines. The review procedure requires completion of a current Child Support Obligation Worksheet (CSOW). The new worksheet must then be compared to the current order to determine if, pursuant to Indiana law and guidelines, there is a basis for modifying the order.
4. **“Review and adjustment”** refers to a federal mandate that the Title IV-D offices have a policy whereby they periodically ‘review’ the current support order to determine if the current child support order is appropriate or should be ‘adjusted’.

POLICY

1. Federal regulations require that every child support order in a Title IV-D case be reviewed and, if appropriate, adjusted at least once every three (3) years if:¹
 - a. The State is providing Temporary Assistance to Needy Families (TANF) assistance and an assignment of child support rights is in effect. For every open TANF Title IV-D case with a current support order, CSB sends both parties a TANF Review and Adjust Notice. This notice is sent on a 3-year cycle from the date of establishment of the order or its most recent modification; or
 - b. Either party requests it. For purposes of the review only, the requesting party does not need to provide evidence of a substantial change of circumstances.²

For every open non-TANF Title IV-D case with a current support order, CSB sends both parties a Notice of Right to Review and Adjust. This notice is

¹ 42 U.S.C. § 666(a)(10)(A)(i)(I); 45 C.F.R. § 303.8(b)(1)(i)

² 42 U.S.C. § 666(a)(10)(A)(ii)

sent on a 3-year cycle from the date of establishment of the order or its most recent modification.³

2. Federal and State regulations require the Title IV-D agency to provide notice to parties of a Title IV-D case of their right to request a review of the current child support order within 15 days of learning that a child support obligor will be incarcerated for more than 180 days.⁴ The Incarceration Notice of Right to Request a Review and Adjust is sent by CSB.⁵

Incarceration information for non-custodial parents (NCPs) is identified by the statewide child support system through a monthly interface with the Indiana Department of Corrections (DOC) for NCPs held in DOC facilities. As there is no interface to determine incarceration status in local or federal facilities, the Title IV-D Prosecutor's Office is strongly encouraged to enter incarceration information for an NCP if it independently becomes aware of an incarceration lasting more than 180 days.

The Title IV-D Prosecutor's Office may manually initiate an Incarceration Notice of Right to Request Review and Adjust to parties when the incarceration duration is unknown or is known to be under the 180 day threshold. The Title IV-D Prosecutor's Office may also initiate a petition for child support modification based on an NCP's incarceration without a party request.⁶

Upon receipt of a party's request for modification due to incarceration, the Title IV-D Prosecutor's Office shall review the case and, if appropriate, file a petition for modification of child support and a proposed order with the appropriate Court.⁷

If no party objects to a petition for child support modification based on incarceration within thirty (30) days of receiving notice of the petition for modification, the Court may order the modification without a hearing.⁸

3. Once a review is requested or it is determined that a review is required, the Title IV-D Prosecutor's Office has 180 days in which to:
 - a. Gather the necessary information;
 - b. Complete the review;
 - c. Send notices notifying the parties of the result of the review; and
 - d. Adjust the order, or determine that the order should not be adjusted.⁹
4. If the location of one or both of the parties is unknown at the time the review is initiated, the Title IV-D Prosecutor's Office has 180 days from the date the party is located in which to complete the above actions.

³ 42 U.S.C. § 666(a)(10)(C)

⁴ IC 31-16-8-4

⁵ 45 C.F.R. § 303.8(b)(7)(ii); IC 31-25-4-17(a)(8)

⁶ IC 31-25-4-13.1(i)

⁷ *Id.*

⁸ IC 31-16-8-4

⁹ 45 C.F.R. § 303.8(e)

Note: Because child support modifications can be made only by a Court, the Title IV-D Prosecutor's Office may not have sufficient control over the process to ensure that the modification is completed within 180 days. The Title IV-D Prosecutor's Office is strongly encouraged to account for potential delays by filing a petition to modify early in the process, if appropriate. If the federal time requirement cannot be met, the Title IV-D Prosecutor's Office shall document the circumstances in the statewide child support system.

5. Indiana permits a modification of child support where:¹⁰
 - a. At least one (1) year has passed since the date of the most recent child support order *and* there is at least a 20% difference (increase or decrease) between the current order and the amount indicated by the Child Support Worksheet; or
 - b. There has been a showing of changed circumstances so substantial and continuing as to make the prior terms of the order unreasonable.¹¹

Note: Incarceration is identified under Indiana and federal law as a condition that may constitute a substantial change in circumstances, requiring modification of the current child support order as appropriate.¹²

REFERENCES

- [IC 31-16-8-1](#): Modification or revocation of child support order or maintenance order
- [IC 31-16-8-4](#): Petition to modify child support order based on incarceration
- [IC 31-25-4-13.1](#): Agreements with local government officials; contracting; attorney-client relationship; informing applicant; service level stipulation
- [IC 31-25-4-17](#): Support related duties of bureau
- [CSB-AT-365](#): Mandatory Review of TANF Cases
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [45 C.F.R. § 303.8](#): Review and adjustment of child support orders
- [OCSE-AT-92-02](#): Final Rule on Income Withholding; Review and Adjustment; Notice of Assigned Support Collected
- [OCSE-AT-08-13](#): Final Rule on the Child Support Provisions in the Deficit Reduction Act of 2005
- [OCSE-AT-06-02](#): Final Rule on Reasonable Quantitative Standards for Review and Adjustment of Child Support Orders

PROCEDURE

N/A

FORMS AND TOOLS

1. [Incarcerated Obligors Smart Guide](#)

¹⁰ 45 C.F.R. § 303.8(b)(5); 45 C.F.R. § 303.8(c)

¹¹ IC 31-16-8-1(b)

¹² IC 31-16-8-1-(d); 45 C.F.R. § 303.8(c)

FREQUENTLY ASKED QUESTIONS

N/A

RELATED INFORMATION

N/A

REVISION HISTORY

Version	Date	Description of Revision
Version 1	11/19/2013	Final Approved Version
Version 1.1	7/16/2019	Revised to add reference to incarcerated obligor notice of right to request review & adjust
Version 2	07/28/2021	Updated hyperlinks. Reviewed for accuracy. Combined prior Sections 1 and 2.
Version 2	02/28/2022	Added citation in footnote to comply with state plan 2.12-10