

|   |  |  |
|---|--|--|
|  | <b>INDIANA DEPARTMENT OF CHILD SERVICES<br/>TITLE IV-D POLICY MANUAL</b> |  |
|   | <b>Chapter 10: Child Support Order Establishment</b>                     | <b>Effective Date: 10/17/16</b>              |
|   | <b>Section 2: Actions for Child Support</b>                              | <b>Version: 1<br/>Revision Date: 9/23/16</b> |

**BACKGROUND**

In an action for child support the court may order either parent or both parents to pay any amount reasonable for support of a child.<sup>1</sup>

**POLICY**

In Title IV-D cases, the Title IV-D Prosecutor shall petition the court to establish an order for child support when an order does not already exist.<sup>2</sup>

**REFERENCES**

- [IC 31-14](#): Establishment of Paternity
- [IC 31-15-2](#): Actions for Dissolution of Marriage
- [IC 31-15-3](#): Actions for Legal Separation
- [IC 31-16-2](#): Actions for Child Support
- [IC 31-16-6-1](#): Child support orders; relevant factors; income withholding; account at financial institution
- [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
- [42 U.S.C. § 654](#): State plan for child and spousal support

**PROCEDURE**

A petition to establish child support under Title IV-D shall be filed on behalf of the state of Indiana and not on behalf of either party.<sup>3</sup>

When preparing and filing a petition to establish child support, the Title IV-D Prosecutor is strongly encouraged to follow local rules and customs as well as the statutory requirements governing the type of action (e.g., dissolution, paternity, etc.) under which the petition is filed.<sup>4</sup>

**FORMS AND TOOLS**

N/A

<sup>1</sup> IC 31-16-6-1(a)

<sup>2</sup> IC 31-25-4-13.1; IC 31-25-4-17; 42 U.S.C. § 654(4)(A)

<sup>3</sup> IC 31-25-4-13.1

<sup>4</sup> IC 31-14; IC 31-15-2; IC 31-15-3; 31-16-2

## FREQUENTLY ASKED QUESTIONS

1. Q. When a divorce or legal separation case is open and pending, may a party apply for Title IV-D services to establish a support order?

A. Yes. When a divorce or legal separation is pending, the Title IV-D Prosecutor shall file a petition to establish a child support order if a party applies for Title IV-D services.<sup>5</sup>

2. Q. When parties are married and separated but there is no divorce legal separation case pending, may a party apply for Title IV-D services to establish a child support order?

A. Yes. When parties are married and separated, but no petition for dissolution or legal separation has been filed, the Title IV-D Prosecutor shall file a petition to establish a child support order if a party applies for Title IV-D services.<sup>6</sup>

## RELATED INFORMATION

N/A

---

<sup>5</sup> IC 31-25-4-17(7)

<sup>6</sup> IC 31-25-4-17(7)