

	<b>INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL</b>	
	<b>Chapter 10: Child Support Order Establishment</b>	<b>Effective Date: 10/17/16</b>
	<b>Section 3: Elements of a Child Support Order</b>	<b>Version: 1 Revision Date: 9/23/16</b>

**BACKGROUND**

N/A

**POLICY**

Child support orders shall be based on the Indiana Child Support Rules and Guidelines (Guidelines).<sup>1</sup> There is a rebuttable presumption that the amount of child support ordered based upon the Guidelines is the correct amount.<sup>2</sup>

Child support orders must be a numeric value.<sup>3</sup> If the court determines that neither party shall pay child support to the other, the Title IV-D Prosecutor shall request the court to issue a zero dollar (\$0.00) support order.<sup>4</sup>

The child support order shall include a provision for immediate income withholding unless a stay has been granted by the court.<sup>5</sup> Withheld income shall be forwarded to the Indiana State Central Collection Unit (INSCCU).<sup>6</sup>

The Title IV-D Prosecutor shall not participate in proceedings to establish a spousal support order.<sup>7</sup> Spousal support may be included in a child support order when the spousal support is for the custodial parent of the child(ren) for whom support is ordered.<sup>8</sup>

The Title IV-D Prosecutor shall not participate in proceedings to establish orders for post-secondary educational expenses.<sup>9</sup>

A child support order shall include a medical support order.<sup>10</sup>

Unless the parties are part of the address confidentiality program under Indiana Code 5-26.5, they must inform the Clerk of Courts of their Social Security number, current residence and

<sup>1</sup> 45 C.F.R. § 302.56

<sup>2</sup> Ind. Child Support Rule 2

<sup>3</sup> Ind. Child Support Guideline 2

<sup>4</sup> Ind. Child Support Guideline 2

<sup>5</sup> IC 31-16-6-1(b); IC 31-16-15-0.5; See Chapter 12: Enforcement

<sup>6</sup> IC 31-16-15-7.5

<sup>7</sup> 42 U.S.C. § 654(4)(B)(ii)

<sup>8</sup> See Chapter 3: Section 8: Spousal Support Only Cases

<sup>9</sup> See Post-Secondary Educational Expenses Policy; See Chapter 11: Order Entry

<sup>10</sup> IC 31-16-6-4; See Chapter 15: Medical Support

mailing address, telephone numbers, date of birth, driver's license number, and the name, telephone number, and address of their employer.<sup>11</sup> A party affected by a child support order must inform the Clerk of Courts and the INSCCU of a change of address within 15 days.<sup>12</sup>

## REFERENCES

- [IC 31-14-11-5](#): Date for child support obligation to begin
- [IC 31-16-6-1](#): Child support orders; relevant factors; income withholding; account at financial institution
- [IC 31-16-6-4](#): Medical support
- [IC 31-16-6-9](#): Duty to furnish information; exception
- [IC 31-16-6-10](#): Notice of change of address, federal assistance, and other conditions affecting support order; exception
- [IC 31-16-15-0.5](#): Income withholding orders; stay
- [IC 31-16-15-7.5](#): Income payor duties
- [IC 31-25-4-13.1](#): Agreements with local government officials; contracting; attorney-client relationship; informing applicant; service level stipulation
- [42 U.S.C. § 654](#): State plan for child and spousal support
- [45 C.F.R. § 302.56](#): Guidelines for setting child support orders
- [Indiana Child Support Rules and Guidelines](#)
- [Bill v. Bill](#), 290 N.E.2d 749 (Ind. Ct. App. 1972)

## PROCEDURE

### 1. Preparing the Child Support Obligation Worksheet

Child support shall be calculated using a Child Support Obligation Worksheet (CSOW).<sup>13</sup> This worksheet determines the presumptive amount of support each parent is obligated to pay based on the parents' income and specific familial obligations. The Title IV-D Prosecutor is strongly encouraged to gather all information necessary to prepare a CSOW from all available sources including, but not limited to, sources available through the statewide child support system, the parties, and court documents.

### 2. Agreements of the Parties

The Title IV-D Prosecutor may assist parents in completing the child support worksheet and submitting an agreement signed by all parties to the court. The parties may agree to the recommended child support obligation or a deviation. If the agreed order includes a deviation, a written explanation of the deviation is required.<sup>14</sup>

### 3. Effective Date of Child Support Order

---

<sup>11</sup> IC 31-16-6-9

<sup>12</sup> IC 31-16-6-10(a)

<sup>13</sup> 45 C.F.R. § 302.56

<sup>14</sup> Ind. Child Support Guideline 1

In paternity cases child support must be ordered effective at least as of the date of filing of the petition but may be ordered effective as of the date of the child's birth.<sup>15</sup> In all other cases, child support may be ordered effective as of the date of filing of the petition or any time after that date.<sup>16</sup>

When child support is ordered effective as of a date prior to the date the order is issued, the Title IV-D Prosecutor is strongly encouraged to request the court to establish an arrears amount and periodic repayment amount. To determine the arrearage amount, the amount of support ordered is multiplied by the number of weeks between the effective date of support and the date payments are ordered to begin. This periodic repayment amount is to be paid in addition to the ongoing support obligation.<sup>17</sup>

## FORMS AND TOOLS

1. [Child Support Calculator](#)
2. [Child Support Obligation Worksheet](#)
3. Common Medical Support Scenarios and Suggested Court Order Language
4. [Guideline Schedules for Weekly Support Payments](#)
5. [Parenting Time Credit Worksheet](#)
6. [Post-Secondary Education Worksheet](#)
7. [Indiana Child Support Rules and Guidelines](#)

## FREQUENTLY ASKED QUESTIONS

1. Q. When is it appropriate to attribute potential income to a parent when preparing the Child Support Obligation Worksheet?
  - A. Potential income may be determined if a parent has no income, or only means-tested income, and is capable of earning income or capable of earning more.<sup>18</sup> A determination of potential income shall be made by determining employment potential and probable earnings level based on the parent's work history, occupational qualifications, job opportunities, and earning levels in the community.<sup>19</sup> If the parent has no work history and no higher education, vocational training and no other evidence of potential earnings, weekly gross income should be set at the federal minimum wage.<sup>20</sup> However, if a parent is incarcerated and has no assets or other sources of income, potential income should not be attributed.<sup>21</sup>
2. Q. When is it appropriate to impute income, under the Indiana Child Support Rules and Guidelines, to a parent when preparing the Child Support Obligation Worksheet?

---

<sup>15</sup> IC 31-14-11-5

<sup>16</sup> *Bill v. Bill*, 290 N.E.2d 749 (Ind. Ct. App. 1972)

<sup>17</sup> See Chapter 12: Enforcement

<sup>18</sup> Ind. Child Support Guideline 3A Commentary

<sup>19</sup> Ind. Child Support Guideline 3A Commentary

<sup>20</sup> Ind. Child Support Guideline 3A Commentary

<sup>21</sup> Ind. Child Support Guideline 3A Commentary

- A. When a parent receives in-kind benefits, income is imputed to that parent.<sup>22</sup> In-kind benefits include the payment of utilities, house payments, rent, etc.<sup>23</sup>
3. Q. Are Social Security Disability (Title II) benefits included as income?
- A. Yes. The disabled parent's monthly benefit and any monthly benefit paid to the child due to the parent's disability are included in the disabled parent's gross income.<sup>24</sup> Gross Income is line 1 on the Child Support Obligation Worksheet.
4. Q. Is Social Security Retirement included as income?
- A. Yes. Monthly benefits paid to child due to a parent's retirement may be credited to the non-custodial parent's current child support obligation.<sup>25</sup> The credit is not automatic as Social Security Retirement benefits are only one factor the court considers when determining or modifying child support obligations.<sup>26</sup>
5. Q. Does a parent receive a deduction for supporting children who were born prior to the children for which child support is being calculated ("prior-born" children), where the obligation is not established by a court order?
- A. Yes. A deduction is allowed for support actually paid or funds actually expended for prior-born children the parent has a legal duty to support a child.<sup>27</sup> It is the parent's responsibility to furnish this information.<sup>28</sup>
6. Q. How is the deduction for the legal duty of support for prior-born children calculated?
- A. When a parent is supporting prior-born children but there is no support order for the parent and children, the Title IV-D Prosecutor is strongly encouraged to consult the support amount indicated by the Guideline Schedules for Weekly Support Payments considering *only* the income of the parent with-prior born children and *only* taking into account the number of prior born children for that parent.

## RELATED INFORMATION

Chapter 3: Application and Case Initiation  
Chapter 11: Order Entry  
Chapter 12: Enforcement  
Chapter 15: Medical Support  
Chapter 19: Post-Secondary Educational Expenses

---

<sup>22</sup> Ind. Child Support Guideline 3A

<sup>23</sup> Ind. Child Support Guideline 2 Commentary

<sup>24</sup> Ind. Child Support Guideline 3A

<sup>25</sup> Ind. Child Support Guideline 3F

<sup>26</sup> Ind. Child Support Guideline 3G

<sup>27</sup> Ind. Child Support Guideline 3C

<sup>28</sup> Ind. Child Support Guideline 3C