

	<b>INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL</b>	
	<b>Chapter 12: Enforcement</b>	<b>Effective Date: 11/19/18</b>
	<b>Section 2.6: Unclaimed Property</b>	<b>Version: 1.0 Revision Date: 11/19/18</b>

**BACKGROUND**

Each year, millions of dollars in assets are turned over to the Indiana Attorney General’s (AG’s) Office as unclaimed property. The AG’s Unclaimed Property Division maintains a list of these assets and the individuals entitled to them.

Unclaimed property is any financial asset with no activity by its owner for an extended period of time. This may include:

1. Dormant bank accounts;
2. Lost or forgotten uncashed checks;
3. Stocks or bonds, dividends and bond interest;
4. Insurance proceeds;
5. Utility refunds; and
6. Safe deposit box contents.

Since 2013, when the Centralized Enforcement Unit (CEU) of the Child Support Bureau (CSB) began sending claim forms and income withholding orders (IWO) to the AG, an average of \$593,881.93 has been collected each year for child support arrears.

**POLICY**

An IWO will be issued by the CSB along with a claim form to the AG in order to intercept unclaimed property owed to an obligor.<sup>1</sup> If a Title IV-D Prosecutor becomes aware of unclaimed property, the Title IV-D Prosecutor may issue an IWO and claim form to the AG.

**REFERENCES**

- [IC 31-9-2-56](#): Income
- [IC 31-16-15-0.5](#): Income withholding orders; stay
- [IC 31-16-15-2.5](#): Income withholding order issued by Title IV-D agency; implementation
- [IC 32-34-1-36](#): Filing claim with attorney general; requirements; delivery of property to identified owner; deduction of costs

**PROCEDURE**

1. The CEU receives a file from the AG in January and July each year of all unclaimed properties that have an associated Social Security number (SSN). The file is matched against the statewide child support system to identify child support obligors with unclaimed property that can be intercepted and applied toward child support arrears.

<sup>1</sup> IC 31-9-2-56; IC 31-16-15-2.5

2. If there is a match, CEU notifies the appropriate Title IV-D Prosecutor's office that CEU will be sending a claim form and IWO to the AG to collect the unclaimed property. If the Title IV-D Prosecutor requests CEU not file a claim form and IWO for the unclaimed property and CEU has already done so, then CEU will refund the unclaimed property to the obligor.
3. Neither the CSB nor the AG provide notice to the affected obligor of the claim form and IWO. If required by local rules established by the Title IV-D Prosecutor, the Title IV-D Prosecutor may issue a notice when the Title IV-D Prosecutor issues the IWO or receives notice from CEU that an IWO will be issued.
4. CEU files a claim form through [IndianaUnclaimed.gov](http://IndianaUnclaimed.gov) and creates an income withholding order (IWO). The claim form and IWO are sent to the AG's office.
5. If the obligor has multiple child support cases, CEU issues an IWO on all of the cases. The amount of funds from the intercept is prorated among those cases based on the following subaccount balances in the statewide child support system:
  - a. Current child support;
  - b. Custodial party owed arrears; and
  - c. State owed arrears.

## FORMS AND TOOLS

N/A

## FREQUENTLY ASKED QUESTIONS

1. Q: May the Title IV-D Prosecutor file a claim form for unclaimed property owed to an obligor?  
  
A: Yes. The Title IV-D Prosecutor may search the Unclaimed Property website, [IndianaUnclaimed.gov](http://IndianaUnclaimed.gov), at any time, file a claim form with the AG, and submit the claim form and IWO on their own. The Title IV-D Prosecutor is strongly encouraged to notify CEU at [INCEU@dcs.in.gov](mailto:INCEU@dcs.in.gov) when filing a claim form with, and issuing an IWO to, the AG.
2. Q: How does it affect the AG's processing of the unclaimed property claim form if CEU or the Title IV-D Prosecutor files a claim form and issues an IWO to the AG and the obligor also files a claim form with the AG?  
  
A: Claims forms and IWOs from CEU or the Title IV-D Prosecutor take precedence over claim forms filed by the obligor. The only exception is if the obligor's claim is paid prior to the AG receiving the claim form and IWO from CEU or the Title IV-D Prosecutor.
3. Q: What is the arrears threshold or property value threshold for submitting a claim form and IWO for unclaimed property?

A: CEU does not use a threshold in submitting a claim form and IWO for unclaimed property. When CEU receives the file from the AG, CEU works the report of unclaimed property in order of highest property value to lowest property value. CEU typically completes the report, filing claim forms and IWOs, within one (1) month of receipt of the report.

## **RELATED INFORMATION**

The AG has advised CSB of the following unclaimed property that cannot be intercepted:

1. Property owned "In care of" or "On behalf of" (OBO) another individual. The non-custodial parent is not the sole owner of the property. Per guidance from the AG, CSB only pursues properties where the non-custodial parent is the sole owner.
2. Jointly owned property.
3. Businesses (unless the Title IV-D Prosecutor is able to verify that non-custodial parent is the sole owner of the business for which the property is assigned).
4. Estates.
5. Property of a person that is held by a court. The AG receives properties directly from a court. These properties can only be claimed by the sole property owner or by obtaining a court order from the court that turned the property over to the AG.
6. Properties that have been held by the AG for 25 years or more.<sup>2</sup>

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<sup>2</sup> IC 32-34-1-36(e)