

	<b>INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL</b>	
	<b>Chapter 12: Enforcement</b>	<b>Effective Date: 3/1/19</b>
	<b>Section 4.2: Department of Natural Resources License Suspension</b>	<b>Version: 1.0 Revision Date: 2/26/19</b>

**BACKGROUND**

Indiana is required by the federal government to have laws requiring procedures to withhold, suspend, or restrict recreational and sporting licenses of individuals owing overdue child support.<sup>1</sup> The applicable Department of Natural Resources (DNR) licenses are fishing, hunting, and trapping licenses; Lake Michigan commercial fishing license; bait dealer’s license; mussel license; fur buyer’s license; nursery dealer’s license; and ginseng dealer’s license.<sup>2</sup>

These licenses may be suspended through an administrative action. In an administrative action, an obligor may not seek relief from the suspension in the courts until all administrative remedies have been exhausted.<sup>3</sup>

While the DNR does have an interface in place with the Child Support Bureau (CSB) via the License Suspension (LS) Application, not every retail location that sells the above licenses accesses it. Therefore, it is possible for the obligor to have a DNR license suspended but then buy a new license before having a suspended license reinstated.

**POLICY**

When an obligor has an arrearage of at least \$2,000.00 or is past due in the equivalent of three (3) months current child support on a case, the Title IV-D Prosecutor may initiate administrative proceedings to suspend the obligor’s fishing, hunting, and trapping licenses; Lake Michigan commercial fishing license; bait dealer’s license; mussel license; fur buyer’s license; nursery dealer’s license; and ginseng dealer’s license issued by the DNR.<sup>4</sup>

**REFERENCES**

- [IC 14-11-3-0.5](#): “Delinquent” defined
- [IC 31-25-4-2](#): “Delinquent”
- [IC 31-25-4-32](#): Finding obligor delinquent; notice; order to suspend driving privileges; licenses and permits; sanctions
- [IC 31-25-4-33](#): Objections to order; hearing
- [IC 31-25-4-34](#): Duty of Title IV-D agency after finding of delinquency
- [465 IAC 3-3-3](#): Request for hearing
- [465 IAC 3-3-8](#): Appointment of administrative law judges

<sup>1</sup> 42 U.S.C. § 666(a)(16)

<sup>2</sup> IC 31-25-4-32(a)(5)(G)

<sup>3</sup> *Martin v. Monroe County Plan Commission*, 660 N.E.2d 1073 (Ind. Ct. App. 1996)

<sup>4</sup> IC 14-11-3-0.5; IC 31-25-4-2; IC 31-25-4-32(a)

- [465 IAC 3-3-9](#): Scheduling of hearings
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [45 C.F.R. § 303.2](#): Establishment of cases and maintenance of case records
- [Martin v. Monroe County Plan Commission, 660 N.E.2d 1073 \(Ind. Ct. App. 1996\)](#)

## PROCEDURE

DNR license suspensions are processed together with administratively initiated Bureau of Motor Vehicles (BMV) driver's license suspensions through CSB's License Suspension (LS) Application. The LS Application is a web-based software application that interfaces with the statewide child support system to identify child support obligors in Title IV-D cases eligible for license suspension. Title IV-D Prosecutors access the LS Application from the Child Support Resources (CSR) website.

### 1. Warning Letter

When a child support obligor is eligible for BMV/DNR license suspension, the Title IV-D Prosecutor receives notification through the LS Application. Upon notification, the Title IV-D Prosecutor may initiate the process through a warning letter generated through the LS Application. This warning letter notifies the obligor of the child support delinquency and directs the obligor to contact the Title IV-D Prosecutor's office to make arrangements to avoid suspension of licenses issued by BMV and/or DNR.

The warning letter is not required and can be issued or not without triggering the required Notice of Intent (NOI).

### 2. Notice of Intent

To formally initiate administrative license suspension, the Title IV-D agency sends an NOI to the obligor at the obligor's last known address of record.<sup>5</sup> In this instance, the Title IV-D agency uses the last known MAIL address on file in the statewide child support system. The NOI is generated through the LS Application, either manually or automatically.

The NOI includes the following information:

- a. Statement that the obligor is delinquent;<sup>6</sup>
- b. Statement of the arrearage;<sup>7</sup>
- c. Statement that the Title IV-D agency shall issue an order to the BMV and DNR that the obligor's hunting, fishing, or driver's licenses shall be suspended unless the obligor does one of the following:
  1. Pays the arrearage in full;
  2. Establishes a payment plan with the Title IV-D Prosecutor which includes an income withholding order (IWO); or

<sup>5</sup> IC 31-25-4-32(a); IC 31-25-4-32(l)

<sup>6</sup> IC 31-25-4-32(a)(1)

<sup>7</sup> IC 31-25-4-32(a)(2)

3. Requests a hearing in writing within 20 days;<sup>8</sup>
- d. The procedure for contesting an order to suspend the obligor's hunting, fishing, and driver's licenses;
- e. Statement that the only basis for contesting the suspension is a mistake of fact;<sup>9</sup> and
- f. The procedures for avoiding license suspension or license denial by payment of arrears in full or by establishing a payment plan with the Title IV-D Prosecutor.<sup>10</sup>

### 3. Administrative Appeal

Upon receiving the NOI, the obligor may formally appeal the finding of delinquency by sending a written request for an administrative hearing to the Centralized Enforcement Unit (CEU) within 20 days of the date the notice of intent was mailed.<sup>11</sup> The only basis for appeal is mistake of fact:

- a. The person to whom the notice was sent is not the person to whom the notice applies; or
- b. The arrearage is less than the amount required to initiate the action.<sup>12</sup>

After reviewing the appeal request, CEU will contact the order county to obtain copies of court orders, payment history, and arrearage calculation. It is imperative that the county respond promptly to this request as the hearing shall be set within 25 days of receiving the obligor's request.<sup>13</sup> The appeal hearing is conducted by an Administrative Law Judge appointed by DCS.<sup>14</sup> A representative from the Child Support Bureau (CSB) appears on behalf of the Title IV-D agency.

### 4. Payment Plan

At any time in the license suspension process, the obligor may establish a payment plan with the Title IV-D Prosecutor. This includes during the pendency of an administrative appeal. The Title IV-D Prosecutor may have a uniform payment plan proposal or may propose payment plans on a case by case basis. It is strongly encouraged that the payment plan be in writing. A note shall be entered into the statewide child support system documenting the terms of the payment plan.<sup>15</sup> The payment plan should also be entered into the LS Application, which can be set to monitor compliance with the terms of the payment plan. The ultimate goal of the payment plan is not to penalize the obligor, but is to provide consistent child support payments to families.

If the payment plan is entered into the LS application and the obligor goes two (2) consecutive months with no payments, the license suspension process will automatically continue from the point where it was stopped when the payment plan was entered.

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<sup>8</sup> IC 31-25-4-32(a)(3); IC 31-25-4-32(a)(7)

<sup>9</sup> IC 31-25-4-32(a)(6)

<sup>10</sup> IC 31-25-4-32(a)(8)

<sup>11</sup> IC 31-25-4-33(a); 465 IAC 3-3-3(i)

<sup>12</sup> IC 31-25-4-33(b); 465 IAC 3-3-3(k)

<sup>13</sup> IC 31-25-4-33(c); 465 IAC 3-3-9(c)(3)

<sup>14</sup> 465 IAC 3-3-8; 465 IAC 3-3-9(b)

<sup>15</sup> 45 C.F.R. § 303.2(c)

## 5. Order to DNR

If the obligor does not pay the arrearage in full, establish a payment plan with the Title IV-D Prosecutor, or request an appeal hearing, or if the obligor requests an appeal hearing which results in a delinquency finding or requests an appeal hearing and then fails to appear, the CSB issues an order to the DNR via an automated interface between the agencies.<sup>16</sup> CSB's order instructs DNR to suspend or revoke the obligor's licenses issued by the DNR.<sup>17</sup>

Upon receipt of CSB's order, DNR sends a notice to the obligor stating that the license has been placed on probation and will be suspended in 20 days if the obligor fails to pay the arrears in full or establish a payment plan with the Title IV-D Prosecutor. This notice directs the obligor to contact the Title IV-D Prosecutor's office for further details.

## 6. Reinstatement

The Title IV-D Prosecutor may initiate a reinstatement request on their own or following a request by the obligor. This process is subject to prosecutorial discretion. The Title IV-D Prosecutor should initiate reinstatement of a suspended license when:

- a. The arrears balance is paid in full;
- b. A payment plan is established with the Title IV-D Prosecutor;
- c. The case becomes a non-Title-IV-D case; or
- d. The case closes to Title IV-D services.

When a payment plan is established and an IWO is implemented, the Title IV-D Prosecutor should initiate the request to reinstate an administratively suspended DNR license. The Title IV-D Prosecutor may wish to consider past compliance with previously established payment plans when considering the appropriate timing for initiating a request to reinstate a license. The LS Application contains functions to monitor compliance with established payment plans.

The Title IV-D Prosecutor may request the suspended license be reinstated through the LS application, which forwards the reinstatement order to DNR.

The license may be also reinstated manually by contacting CEU. If the reinstatement is manually initiated, CEU sends the order to the DNR through the LS Application.

When an obligor is party to multiple Title IV-D cases, license reinstatement will only take effect upon meeting conditions for reinstatement in all Title IV-D cases where the obligor's DNR/BMV licenses have been administratively suspended.

## FORMS AND TOOLS

1. [License Suspension Case Event Codes in ISETS](#)
2. [License Suspension Eligibility Checklist](#)

<sup>16</sup> IC 31-25-4-32(j)

<sup>17</sup> IC 31-25-4-32(j)(3); IC 31-25-4-34(e)

3. [LS Process Overview](#)
4. [License Suspension Application Smart Guide](#)
5. [License Suspension Timelines](#)

<b>FREQUENTLY ASKED QUESTIONS</b>
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N/A

<b>RELATED INFORMATION</b>
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N/A

<b>REVISION HISTORY</b>
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N/A