

	<b>INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL</b>	
	<b>Chapter 13: Review and Adjustment/ Modification of the Child Support Order</b>	<b>Effective Date: 11/19/13</b>
	<b>Section 4: Orders that Pre-date or Do Not Conform to Indiana Child Support Guidelines</b>	<b>Version: 1 Revision Date: 11/4/13</b>

## BACKGROUND

N/A

## POLICY

All child support orders in Indiana must conform to Indiana statutes and the Indiana Child Support Guidelines, unless a court makes a specific written finding that a deviation from the guidelines is warranted.<sup>1</sup> If a Title IV-D case has a child support order that does not conform to these authorities, the Title IV-D Prosecutor shall file a petition to modify the order.

Examples of non-conforming child support orders include:

1. “No support” orders in which no numeric value of support is ordered. If neither party is being ordered to pay child support to the other, the order must read that the child support obligation is \$0, or zero.
2. “Direct pay” orders in which one party is ordered to pay child support directly to the other party, instead of to the Clerk or INSCCU.
3. “Settlement” orders, in which the amount of child support is established by the parties’ agreement, without reference to or application of the Indiana Child Support Guidelines, or orders which include an agreement for a lump sum payment in exchange for the custodial parent’s release of a present, or future, paternity or child support claim.
4. “Percentage payment” orders in which one party is ordered to pay child support only as a percentage of that party’s income (gross or net). For example, the party is ordered to pay 15% of that party’s monthly income.
5. “In kind” orders in which the non-custodial parent is ordered to provide food, clothing, medical care, rent, etc., in lieu of a fixed amount of child support to be paid on a fixed frequency.

## REFERENCES

- [IC 31-16-6-1](#): Child support orders; relevant factors; income withholding; account at financial institution
- [IC 31-16-8-1](#): Modification or revocation of child support order or maintenance order
- [IC 31-16-9-1](#): Clerk or State central collection unit as trustee for remittance
- [IC 31-16-19-1](#): Payment into court or agency

<sup>1</sup> 45 C.F.R. § 303.8(b)(1)(i)

- [42 U.S.C. § 666\(a\)\(10\)](#): Review and Adjustment of Support Orders Upon Request
- [Indiana Child Support Guidelines](#)

## PROCEDURE

See Section 3: Review and Adjustment Procedures

The Title IV-D Prosecutor may evaluate the circumstances of the case and make a determination as to whether a full review is warranted or a petition to modify may be filed without a review.

## FORMS AND TOOLS

N/A

## FREQUENTLY ASKED QUESTIONS

N/A

## RELATED INFORMATION

N/A