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|  | <b>INDIANA DEPARTMENT OF CHILD SERVICES<br/>TITLE IV-D POLICY MANUAL</b> |                                                 |
|                                                                                   | <b>Chapter 17: Case Closure</b>                                          | <b>Effective Date: 12/18/18</b>                 |
|                                                                                   | <b>Section 2: Non-Custodial Parent Deceased (CDIE)</b>                   | <b>Version: 1.0<br/>Revision Date: 12/18/18</b> |

**BACKGROUND**

Closing a case when the non-custodial parent is deceased is an auto closure process, which means the statewide child support system recognizes that case closure criteria have been met and initiates the intent to close notice.

The auto closure process takes place weekly on Saturday. If the first day of the month is a Saturday, the case closure program does not run that day, but runs the following Saturday. Only Title IV-D cases in the statewide child support system are considered for auto closure.

The auto closure process excludes:

1. Intergovernmental cases that have not yet been assigned to a county;
2. Cases in which a prior case closure attempt was cancelled in the previous one (1) year and that cancel was not cancelled; or
3. Cases in which a payment (other than a lottery intercept, administrative offset, state tax offset, federal tax offset, financial institution data match (FIDM), insurance match (CSLN), recoupment, or annual support fee payment) was applied to the case in the previous 45 days.

Once the auto closure process selects a case for closure, it initiates an intent to close notice to the custodial party or other tribunal. This notice gives the party 60 days to contact the Title IV-D Prosecutor to request the case remain open or provide information that would make case closure inappropriate. After this 60 day period passes, the auto closure process determines whether the closure criteria still exists and if the closure process has been cancelled by the Title IV-D Prosecutor. If the criteria is still met and the process has not been cancelled, the case is automatically closed to Title IV-D services. If the case closure process has been cancelled, the case will not be eligible again for auto closure for one (1) year unless the “cancel the cancel” code (XNCL) is entered in the statewide child support system. If XNCL is entered, the case is reviewed again for case closure during the next weekly case closure program.

Closing the case to Title IV-D services does not affect the validity or status of a court order.

**POLICY**

A Title IV-D case may be closed due to the death of a party when the following criteria are met:

1. The non-custodial parent or alleged father dies;
2. No further action can be taken on the case; and
3. There are no assets to attach for child support.<sup>1</sup>

<sup>1</sup> 45 C.F.R. § 303.11(b)(4)

A Petition to Establish Paternity must be filed during the lifetime of the alleged father or no later than five (5) months after the death of the alleged father.<sup>2</sup>

The death of a parent obligated to pay child support does not automatically terminate the child support order.<sup>3</sup> However, the court may modify or revoke the child support as appropriate based on the circumstances of the parent's estate.<sup>4</sup> The Title IV-D Prosecutor is strongly encouraged to petition the court for a modification or revocation of child support upon learning of the death of the non-custodial parent.

## REFERENCES

- [IC 31-14-5-5](#): Action to be filed during lifetime or within five months of death of alleged father
- [IC 31-16-6-7](#): Effect of child's emancipation or death of parent obligated to pay support
- [45 C.F.R. § 303.11\(b\)\(4\)](#): Case closure criteria

## PROCEDURE

### 1. Case Management Upon Death of Non-Custodial Parent

The Title IV-D Prosecutor will need to determine whether an estate exists which could be levied to collect child support or arrears.<sup>5</sup> This may require contacting the Clerk of Courts in the county in which the non-custodial parent resided at the time of death.

If the court modifies or revokes the child support order in a Title IV-D case, the Title IV-D Prosecutor should ensure the following is completed in the statewide child support system:

- a. Verify the current, either modified or revoked, child support order is correctly entered; and
- b. Verify all subaccount balances are correct.

### 2. Determining Whether the Case Should Close

When the Title IV-D Prosecutor becomes aware through the statewide child support system or through other means that a case meets the case closure criteria, the Title IV-D Prosecutor may wish to review the case to determine whether to cancel the case closure process. The Title IV-D Prosecutor may wish to consider the following factors:

- a. Whether a petition is pending before the court; and
- b. Whether payments are sporadically applied to the case.

If the Title IV-D Prosecutor determines the case should not close, the Title IV-D Prosecutor cancels the case closure process in the statewide child support system. This will prevent the case from automatically closing for one (1) year at which time the case will be automatically reevaluated for closure unless XNCL has been entered.

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<sup>2</sup> IC 31-14-5-5

<sup>3</sup> IC 31-16-6-7(a)(2)

<sup>4</sup> IC 31-16-6-7(b)

<sup>5</sup> 45 C.F.R. § 303.11(b)(4)

### 3. Case Type and Status Upon Closure

When a Title IV-D case is closed for this auto closure reason, the case closes to Title IV-D services and becomes a non-Title IV-D case.<sup>6</sup> The statewide child support system determines at the time of closure if the case will be an open non-Title IV-D case or a closed non-Title IV-D case based on whether there is a current child support obligation or an arrears balance. If there is a current child support obligation and/or an arrears balance, the case will be an open non-Title IV-D case. If there is not a current child support obligation or an arrears balance, the case will be a closed non-Title IV-D case.

## FORMS AND TOOLS

1. [Case Closure Checklist Why Didn't My Case Close](#)
2. [Case Closure Complete Guide](#)
3. [Case Closure Matrix How It Works](#)
4. [Using Proper Case Closure Codes](#)

## FREQUENTLY ASKED QUESTIONS

1. Q. When does the statewide child support system generate the intent to close when the non-custodial parent dies?
  - A. The timing of when the intent to close notice is sent to the custodial party depends on the non-custodial parent's date of death and whether a federal tax offset has been received in the past two (2) years.

If no federal tax offset has been received in the past two (2) years, the intent to close notice is sent five (5) months after the date of death of the non-custodial parent or alleged father. If the date of death was entered more than five (5) months after the actual date of death, the intent to close notice is generated the next time the auto closure program runs, every Saturday except the first day of the month.

If a federal tax offset has been received in the past two (2) years, the intent to close notice is sent 18 months after the date of death of the non-custodial parent or alleged father. If the date of death was entered more than 18 months after the actual date of death, the intent to close notice is generated the next time the auto closure program runs, every Saturday except the first day of the month.

## RELATED INFORMATION

The ISETS case closure code is CDIE.

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<sup>6</sup> An exception to this is that a DCS child welfare case will close to Title IV-D services, but does not change case type.

For information regarding when a custodial party or child is deceased, see Chapter 19: Deceased Participants.