

	<b>INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL</b>	
	<b>Chapter 17: Case Closure</b>	<b>Effective Date: 12/18/18</b>
	<b>Section 10: Unable to Locate Custodial Party (CUNC)</b>	<b>Version: 1.0 Revision Date: 12/18/18</b>

**BACKGROUND**

Closing a case when the Title IV-D Prosecutor is unable to locate the custodial party 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 loss of contact with the custodial party when the following criteria are met:

1. The custodial party is not currently receiving Temporary Assistance for Needy Families (TANF);
2. There are no arrears owed to the state;
3. There is no current mailing address for the custodial party;
4. There is no valid payment address for the custodial party; and

5. Any genetic testing subaccount is at least three (3) years old and no payments have been applied to the genetic testing subaccount in the last year.<sup>1</sup>

## REFERENCES

- [45 C.F.R. § 303.11\(b\)\(15\)](#): Case closure criteria

## PROCEDURE

### 1. Case Management When Unable to Locate the Custodial Party

When the above criteria are met, the statewide child support system sends a contact letter to the custodial party's last known mail or payment address instructing the custodial party to provide a current address to the Clerk of Courts or Kidslines. If the custodial party provides a current address, the Clerk of Courts or Kidslines updates the statewide child support system with this address and the case closure process stops.

The Title IV-D Prosecutor will be notified that the contact letter has been sent by a worklist item and by a report. The Title IV-D Prosecutor shall attempt to contact the custodial party through another method.<sup>2</sup> This other method may be telephone call, text messaging, or e-mail, but cannot also be through mail. If this second attempt to contact the custodial party is unsuccessful, the Title IV-D Prosecutor enters in the statewide child support system the event code CPOC with notes detailing the method of contact used and result of the attempt to contact the custodial party. If the custodial party provides a current address, the Title IV-D Prosecutor updates the statewide child support system with this address and the case closure process stops.

When the statewide child support system reflects that the contact letter was sent to the custodial party and the event code CPOC has been entered, and there is no valid address for the custodial party, the statewide child support system generates an intent to close notice to the same last known address. If the custodial party provides a current address, entering the address in the statewide child support system will stop the case closure process. If there is no response from the custodial party within 60 days of the intent to close notice, the case will close unless the case closure process is cancelled by the Title IV-D Prosecutor.

### 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 there is a petition pending before the court;
- b. Whether payments are sporadically applied to the case; and
- c. Whether additional locate resources exist that may assist in establishing or enforcing an order.

---

<sup>1</sup> Items 1, 3, and 4 are found in 45 C.F.R. § 303.11(b)(15) and items 2 and 5 are state policy.

<sup>2</sup> 45 C.F.R. § 303.11(b)(15)

If the Title IV-D Prosecutor determines the case should not close, the Title IV-D Prosecutor shall cancel 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.

### 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. 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. What is the difference between the contact letter and the intent to close notice?
  - A. The contact letter is automatically sent to the custodial party's last known mailing or payment address when the following criteria are met:
    - a. The custodial parent is not currently receiving TANF and no arrears are owed to the state;
    - b. There is no current mailing or payment address for the custodial party;
    - c. Any genetic testing subaccount is at least three (3) years old and no payments have been applied to the genetic testing subaccount in the last year.

The contact letter instructs the custodial party to contact, and provide a current address to, the Clerk of Courts or Kidsline.

The intent to close notice is automatically sent to the custodial party at the same address used in sending the contact letter when the following criteria are met:

- a. The contact letter was sent to the custodial party;
- b. The code CPOC has been entered in the statewide child support system indicating that the Title IV-D Prosecutor has made a separate second attempt to contact the custodial party;
- c. The custodial parent is not currently receiving TANF and no arrears are owed to the state;
- d. There is no current mailing or payment address for the custodial party; and
- e. Any genetic testing subaccount is at least three (3) years old and no payments have been applied to the genetic testing subaccount in the last year.

The intent to close notice instructs the custodial party that the case will be closed in 60 days unless the custodial party contacts the Title IV-D Prosecutor with a current address.

#### **RELATED INFORMATION**

The ISETS case closure code is CUNC.