

	INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL	
	Chapter 17: Case Closure	Effective Date: 12/18/18
	Section 13: Non-Custodial Parent Incarcerated with No Evidence of Support Potential (CINC)	Version: 1.0 Revision Date: 12/18/18

BACKGROUND

Closing a case when the non-custodial parent is incarcerated throughout the duration of the child’s minority (or after the child has reached the age of majority) and has no evidence of support potential, is a manual/auto closure process. In the manual/auto closure process, the statewide child support system does not automatically recognize the case closure criteria, but the Title IV-D Prosecutor knows certain facts that make the case eligible for case closure and takes the initiating case closure step. An intent to close notice to the custodial party or other tribunal is required for the case closure reasons that use the manual/auto process.

When the Title IV-D Prosecutor enters the case closure reason in the statewide child support system, an intent to close notice is automatically generated. 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. If the criteria still exists and the process has not been cancelled, the case is automatically closed to Title IV-D services.

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

POLICY

The Title IV-D Prosecutor may close a case due to the non-custodial parent’s incarceration when the following occurs:

1. The Title IV-D Prosecutor determines that the non-custodial parent is, and will continue to be, incarcerated for the duration of the child’s minority (or after the child has reached the age of majority);
2. There is no evidence of the non-custodial parent’s support potential; and
3. There have been no payments received on this case in the last 45 days.¹

When the Title IV-D Prosecutor becomes aware that a case meets these criteria, the Title IV-D Prosecutor may wish to review the history of the case and payment history to determine the likelihood of future payments. If the Title IV-D Prosecutor believes future payments are likely, the Title IV-D Prosecutor may choose to not initiate the case closure process.

REFERENCES

- [IC 31-16-8-1](#): Modification or revocation of child support order or maintenance order
- [45 C.F.R. § 303.2\(c\)](#): Establishment of cases and maintenance of case records

¹ Items 1 and 2 are found in 45 C.F.R. § 303.11(b)(8) and item 3 is state policy.

- [45 C.F.R. § 303.11\(b\)\(8\)](#): Case closure criteria

PROCEDURE

1. Case Management When the Non-Custodial Parent Is Incarcerated

When the Title IV-D Prosecutor learns the non-custodial parent is, and will be, incarcerated for the duration of the child's minority (or after the child reaches the age of majority) and there is no evidence of support potential, the Title IV-D Prosecutor enters the case closure code in the statewide child support system. The intent to close notice is automatically generated by the statewide child support system. After 60 days, the statewide child support system verifies that no payments have been received in the last 45 days and the case closure process has not been cancelled.

The Title IV-D Prosecutor shall make a note in the statewide child support system of the estimated date of release from incarceration.²

2. Determining Whether the Case Should Close

If the Title IV-D Prosecutor determines the case should not close, the Title IV-D Prosecutor may cancel the case closure process in the statewide child support system.

3. Case Type and Status Upon Closure

When a Title IV-D case is closed for this manual/auto closure reason, the case closes to Title IV-D services and becomes a non-Title IV-D case.³ 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](#)
5. [Indiana Department of Corrections ISETS Match Work Report Suggested Uses](#)

FREQUENTLY ASKED QUESTIONS

1. Q. The non-custodial parent is incarcerated, but will not be for the duration of the child's minority. May the case be closed for this case closure reason?

² 45 C.F.R. § 303.2(c)

³ An exception to this is that a DCS child welfare case will close to Title IV-D services, but does not change case type.

- A. No. If the child is a minor at the time of the non-custodial parent's incarceration, the incarceration must be for the duration of the child's minority and the non-custodial parent must have no evidence of support potential for this case closure reason to be used.
2. Q. The non-custodial parent is incarcerated with no evidence of support potential and all children on the case have been emancipated. May the case be closed for this case closure reason?
- A. Yes. The case may be closed for this case closure reason when the non-custodial parent is incarcerated with no evidence of support potential and all of the children on the case have been emancipated.
3. Q. If the Title IV-D Prosecutor learns the non-custodial parent is incarcerated for a substantial amount of time, but may not be incarcerated for the duration of the child's minority, is it proper for the Title IV-D Prosecutor to initiate a review and adjustment of the child support order?
- A. Yes. The Title IV-D Prosecutor is strongly encouraged to initiate a review and adjustment whenever the Title IV-D Prosecutor learns that a substantial and continuing change of circumstances has occurred (e.g., a party has become disabled, has been incarcerated, has suffered a reduction of income, etc.).⁴

RELATED INFORMATION

The ISETS case closure code is CINC.

Chapter 13: Review and Adjustment/Modification of the Child Support Order, Section 4:
Review and Adjustment Procedures

⁴ IC 31-16-8-1; See Chapter 13: Review and Adjustment/Modification of the Child Support Order, Section 4: Review and Adjustment Procedures, for more information
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