

	INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL	
	Chapter 17: Case Closure	Effective Date: 12/18/18
	Section 16: Non-Custodial Parent in Long Term Care and All Children Are Emancipated (CLTC)	Version: 1.0 Revision Date: 12/18/18

BACKGROUND

Closing a case when the non-custodial parent is entering, or has entered, long term care, all children are emancipated, and the non-custodial parent has no income or assets above a subsistence level that could be levied for child support 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 when the following occurs:

1. The Title IV-D Prosecutor learns the non-custodial parent is entering, or has entered, long term care;
2. All active children on the case are emancipated;
3. There is no longer an order for current child support;
4. The non-custodial parent has no income or assets, above a subsistence level, that could be levied for child support; and
5. No payments have been allocated to the case in the past 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

¹ Items 1-4 are found in 45 C.F.R. § 303.11(b)(3) and item 5 is state policy.
DCS IV-D Policy Manual/Chapter 17: Case Closure
Section 16: Non-Custodial Parent in a Long Term Care and All Children Are Emancipated (CLTC)

- [45 C.F.R. § 303.2\(c\)](#): Establishment of cases and maintenance of case records
- [45 C.F.R. § 303.11\(b\)\(3\)](#): Case closure criteria

PROCEDURE

1. Case Management When the Non-Custodial Parent Enters Long Term Care

When the Title IV-D Prosecutor learns the non-custodial parent is entering, or has entered, long term care, all children are emancipated, and the non-custodial parent has no income or assets above a subsistence level that could be levied for child support, 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 the case closure process has not been cancelled.

The Title IV-D Prosecutor shall make notes in the statewide child support system concerning the non-custodial parent's admission into long term care and that no income or assets exist above a subsistence level that could be levied for child support.² If any documentation has been provided to the Title IV-D Prosecutor to support this determination, the Title IV-D Prosecutor shall keep a copy of the documentation in the paper or electronic case file.³

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.⁴ 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 an arrears balance. If there is an arrears balance, the case will be an open non-Title IV-D case. If there is not 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](#)

² 45 C.F.R. § 303.2(c)

³ 45 C.F.R. § 303.2(c)

⁴ An exception to this is that a DCS child welfare case will close to Title IV-D services, but does not change case type.

FREQUENTLY ASKED QUESTIONS

1. Q. What constitutes long term care?
 - A. Long term care may include, but is not limited to, a nursing home, hospital, or continual care at home. Long term indicates that the care or treatment is expected to continue for an indefinite, or lifetime, period.
2. Q. What is the threshold for subsistence level income or assets?
 - A. This has not been defined. Subsistence level income or assets could have a different threshold based on several factors including the cost of the non-custodial parent's care and cost of living in the geographic area. In determining whether the non-custodial parent has income or assets above the subsistence level, the Title IV-D Prosecutor may consider these factors and any other factors applicable to the case.

RELATED INFORMATION

The ISETS case closure code is CLTC.