

	INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL	
	Chapter 17: Case Closure	Effective Date: 12/18/18
	Section 17: Non-Cooperation of Custodial Party (CNON)	Version: 1.0 Revision Date: 12/18/18

BACKGROUND

Closing a case due to the non-cooperation of the custodial party may only be used if the party is one of the following:

1. A Title IV-D applicant who previously, but is not currently, receiving Temporary Assistance for Needy Families (TANF);
2. A Title IV-D applicant who is receiving Medicaid; or
3. A Title IV-D applicant who never received TANF.¹

This closure reason follows the 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 for non-cooperation when the following occurs:

1. The Title IV-D applicant or custodial party is not currently receiving TANF;
2. An action by the custodial party is essential for the next step in providing Title IV-D services;
3. The Title IV-D Prosecutor has communicated to the custodial party what the necessary action is;
4. The custodial party fails to conduct the necessary action;
5. The Title IV-D Prosecutor documents the failure of the custodial party to conduct the necessary action;
6. There have been no payments received on this case in the last 45 days;
7. 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;
8. The case is not a responding intergovernmental case; and

¹ 45 C.F.R. § 302.33(a)(1)

9. There is no state owed arrears.²

REFERENCES

- [45 C.F.R. § 302.33\(a\)\(1\)](#): Services to individuals not receiving title IV-A assistance
- [45 C.F.R. § 303.2\(c\)](#): Establishment of cases and maintenance of case records
- [45 C.F.R. § 303.11\(b\)\(16\)](#): Case closure criteria

PROCEDURE

1. Case Management When the Custodial Parent Does Not Cooperate

For Self-Assessment and Data Reliability Audit purposes, the Title IV-D Prosecutor shall make the following notes in the statewide child support system:

- a. The specific action required by the custodial party that is essential for the next step in providing Title IV-D services;
- b. The date(s) and method(s) by which the Title IV-D Prosecutor communicated the need for the specific action to the custodial party and the time frames given for the custodial party to comply; and
- c. That the custodial party failed to conduct the required action.³

Examples of non-cooperation include, but are not limited to, the following:

- a. The custodial party fails to come to the office to sign a petition, if required;
- b. The custodial party fails to come to the office to sign an Affidavit of Direct Payments;
- c. The custodial party fails to appear in court where his or her testimony is required for the next action to be taken in the case; or
- d. The custodial party fails to respond to a request for additional information that would keep the Title IV-D Prosecutor from taking the next action needed in a case.

Examples of improper use of this closure reason include, but are not limited to, the following:

- a. Custodial party not complying with the behavioral expectations of the office regarding civility and etiquette;
- b. Custodial party failing to return a request to opt off Title IV-D services;
- c. Youngest child over 18 and payments have not been received in a set amount of time; and
- d. Custodial party failing to respond to a non-specific request to contact the office due to no contact for a certain length of time.

If other administrative enforcement actions may reasonably be used that do not require the custodial party's cooperation and those actions provide effective enforcement, then closure for non-cooperation is not appropriate.

2. Determining Whether the Case Should Close

² Items 1-5 are found in 45 C.F.R. § 303.11(b)(16) and items 6-9 are state policy.

³ 45 C.F.R. § 303.2(c)

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 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. The custodial party and child are receiving TANF and the custodial party will not respond to requests for information or show up for appointments in the office. Can this case be closed for non-cooperation?
 - A. No. This case cannot be closed for this reason because the custodial party is receiving TANF. In this case, the Title IV-D Prosecutor should notify the Division of Family Resources (DFR) through the IV-A/IV-D interface of the non-cooperation. The DFR may then issue a sanction against the custodial party.⁵ Once the case is no longer a TANF case, it may be closed if the custodial party continues to not cooperate.
2. Q. The custodial party states he or she does not have any information about the non-custodial parent other than his or her name despite numerous requests for more information. May the Title IV-D Prosecutor close the case for non-cooperation?
 - A. No. A custodial party is only required to give as much information as he or she could reasonably know. If it is reasonable that the custodial party does not know certain information about the non-custodial parent, then the custodial party cannot be penalized for responding that he or she does not know the information requested. While case closure due to a lack of information may not be appropriate with this case closure reason, a lack of information may be appropriate for one (1) of these case closure reasons:

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.

⁵ See Chapter 4: Temporary Assistance for Needy Families (TANF) Cases

1. Unable to locate the non-custodial parent after six (6) months when sufficient identifying information is unknown;⁶
 2. Unable to locate the non-custodial parent after one (1) year when the non-custodial parent's Social Security number cannot be verified;⁷
 3. Unable to locate the non-custodial parent after two (2) years when sufficient identifying information is known;⁸
 4. Identity of biological father unknown;⁹ or
 5. Alleged father excluded and no other alleged father can be identified.¹⁰
3. Q. What is the proper way to close a case if the non-custodial parent applies for services and then fails to appear for an appointment or hearing?
- A. The case of a non-custodial parent who is the applicant may be closed for the same non-cooperation reasons as a custodial party applicant regarding appearing for an appointment or hearing as long as his or her action is essential for the next step in providing services. However, due to current ISETS limitations, the correct closure code is CPRT and not CNON. If CNON is used, the intent to close notice would be sent to the custodial party, who is not the applicant or the party responsible for the non-cooperation. When closing a case CPRT due to the non-custodial parent's non-cooperation, the Title IV-D Prosecutor shall include a very specific note in the statewide child support system that the non-custodial parent is the applicant and is failing to cooperate.

RELATED INFORMATION

The ISETS case closure code is CNON.

Chapter 4: Temporary Assistance for Needy Families (TANF) Cases

⁶ See Section 5 of this Chapter

⁷ See Section 7 of this Chapter

⁸ See Section 9 of this Chapter

⁹ See Section 22 of this Chapter

¹⁰ See Section 11 of this Chapter