

	INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL	
	Chapter 4: Temporary Assistance for Needy Families (TANF) Cases	Effective Date: 07/30/2020
	Section 2: Assignment of Rights	Version: 1.1 Revision Date: 07/29/2020

BACKGROUND

Federal law requires that as a condition of eligibility for Temporary Assistance for Needy Families (TANF), each applicant or recipient of TANF shall assign to the State any rights to child support from any other person, which accrues during the period the family receives assistance.¹ The child support assignment shall not exceed the total amount of assistance paid to the family.² Therefore, as a condition of TANF eligibility, all TANF applicants and recipients shall assign their rights to accruing child support for children covered by the TANF grant during the assistance period to the Child Support Bureau (CSB).

POLICY

An application for TANF must contain a notice that if assistance is granted, the applicant assigns the applicant’s right to child support payments to the CSB, the State agency responsible for administering Title IV-D of the Social Security Act.³ In order for the TANF applicant to be eligible for assistance, if the applicant is entitled to child or spousal support, the applicant’s rights to present and pending child and spousal support payments are assigned to the CSB.⁴

The assignment of rights becomes effective when the applicant becomes eligible to receive TANF and is valid up to the amount of TANF assistance provided to the recipient that has not been reimbursed to the State.⁵ The assignment terminates, with respect to current child support, at the end of the benefit period and, with respect to accrued child support, when all assistance received by the recipient has been repaid.⁶

When there has been an assignment of rights, the Title IV-D Prosecutor’s Office is required to establish the paternity of a child for whom paternity has not yet been established. The Title IV-D Prosecutor’s Office is also required to secure a child support order from any person legally liable to support the child.⁷ The assignment of rights creates the obligation that any child support paid pursuant to a court order be disbursed, not to the custodial party, but to the State up to the amount of the TANF benefit.⁸

¹ 42 U.S.C. § 608(a)(3)

² 42 U.S.C. § 608(a)(3); If a child is subject to the family benefit cap, child support for that child is not assigned, see Chapter 5: Temporary Assistance for Needy Families (TANF) Cases, Section 5: Family Benefit Cap Cases for more information

³ IC 12-14-1-3(5)

⁴ IC 12-14-7-1

⁵ IC 12-14-7-4; 42 U.S.C. § 608(a)(3)

⁶ IC 12-14-7-4

⁷ 45 C.F.R. § 302.31(a)

⁸ 45 C.F.R. § 302.50(a)

REFERENCES

- [IC 12-14-1-3](#): Application; form; oath; required information; notice of assignment of rights
- [IC 12-14-7-1](#): Assignment of support payment rights; eligibility for assistance
- [IC 12-14-7-4](#): Assignment of right to support payments; date effective; amount valid against; termination
- [42 U.S.C. § 608](#): Prohibitions; requirements
- [45 C.F.R. § 302.31](#): Establishing paternity and securing support
- [45 C.F.R. § 302.50](#): Assignment of rights to support

PROCEDURE

N/A

FORMS AND TOOLS

N/A

FREQUENTLY ASKED QUESTIONS

N/A

RELATED INFORMATION

N/A

REVISION HISTORY

Version	Date	Description of Revision
Version 1	06/16/2015	Final approved version
Version 1.1	07/30/2020	Updated links and terminology