

	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 5: Family Benefit Cap Cases	Version: 1.1 Revision Date: 07/29/2020

BACKGROUND

The “family benefit cap” is the exclusion from additional benefits for a child born ten (10) or more months after the family became eligible for Temporary Assistance for Needy Families (TANF).¹

POLICY

Neither the Division of Family Resources (DFR) nor the Child Support Bureau (CSB) may require the parent or caretaker relative to assign the rights to child support for a child who is subject to the family benefit cap.² Any child support collected for this child must be paid to the family and not retained by the State.³

When there are child(ren) who are receiving TANF benefits and child(ren) who are not receiving TANF benefits, due to the family benefit cap, in the same family, two (2) Title IV-D cases are to be created in the statewide child support system – one case for the child(ren) receiving TANF and one case for the child(ren) subject to the family benefit cap. The case created for the child(ren) subject to the family benefit cap is the family cap case.

REFERENCES

- [IC 12-14-2-5.3](#): Payments for child born more than ten months after family qualifies for assistance
- [470 IAC 10.3-9-2](#): Family benefit cap
- [Williams ex rel. Ricard v. Humphreys](#), 125 F. Supp. 2d 881 (S.D. Ind. 2000)

PROCEDURE

Cap cases may be created either by a worker at the CSB or the Title IV-D Prosecutor’s Office when working the Family Cap Report.

1. The children are researched on the Indiana Client Eligibility System (ICES) to determine which child(ren) are subject to the family benefit cap.
2. Child(ren) subject to the family benefit cap are marked as inactive on the Title IV-D TANF case.

¹ IC 12-14-2-5.3(b); 470 IAC 10.3-9-2(a)

² *Williams ex rel. Ricard v. Humphreys*, 125 F.Supp.2d 881 (S.D. Ind. 2000)

³ *Williams ex rel. Ricard v. Humphreys*, 125 F.Supp.2d 881 (S.D. Ind. 2000)

3. A new non-public assistance Title IV-D case is created on the statewide child support system for the custodial party (CP), non-custodial parent (NCP), and child(ren) subject to the family benefit cap. This is the family cap case.
4. The court cause number from the Title IV-D TANF case is also entered on the family cap case. The letters CAP are added to the end of the cause number on the family cap case.
5. The total current child support order from the Title IV-D TANF case is divided by the total number of children on both cases. (Example: Order is for \$50.00 and there is a total of five (5) children. The amount per child is \$10.00.)
6. The amount per child is then multiplied by the number of children on each case and entered as the ordered amount for each case. (Example: The amount per child is \$10.00. There are three (3) children on the Title IV-D TANF case; therefore, the order amount for this case is \$30.00. There are two (2) children on the cap case; therefore, the order amount for this case is \$20.00.)
7. If the family cap case is created by a CSB worker, an e-mail will be sent to the Title IV-D Prosecutor's Office noting the case number of the two cases and instructing the Title IV-D Prosecutor's Office to review the arrears balances on the two cases.

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