

	<b>INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL</b>	
	<b>Chapter 17: Case Closure</b>	<b>Effective Date: 12/08/2021</b>
	<b>Section 13: Non-Custodial Parent Incarcerated with No Evidence of Support Potential (CINC)</b>	<b>Version: 1.1 Revision Date: 12/08/2021</b>

**BACKGROUND**

Closing a case when the non-custodial parent (NCP) 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’s Office 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 (CP) or other tribunal is required for the case closure reasons that use the manual/auto process.

When the Title IV-D Prosecutor’s Office 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’s Office 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’s Office may close a case due to the NCP’s incarceration when the following occurs:

1. The Title IV-D Prosecutor’s Office determines that the NCP 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 NCP’s support potential; and
3. There have been no payments received on this case in the last 45 days.<sup>1</sup>

When the Title IV-D Prosecutor’s Office becomes aware that a case meets these criteria, the Title IV-D Prosecutor’s Office 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’s Office believes future payments are likely, the Title IV-D Prosecutor’s Office 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

<sup>1</sup> Items 1-3 are found in 45 C.F.R. § 303.11(b)(8) and item 4 is State policy.  
DCS IV-D Policy Manual/Chapter 17: Case Closure  
Section 13: Non-Custodial Parent Incarcerated with No Evidence of Support Potential (CINC)

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

## PROCEDURE

### 1. Case Management When the NCP Is Incarcerated

When the Title IV-D Prosecutor's Office learns the NCP 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's Office 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's Office shall make a note in the statewide child support system of the estimated date of release from incarceration.<sup>2</sup>

### 2. Determining Whether the Case Should Close

If the Title IV-D Prosecutor's Office determines the case should not close, the Title IV-D Prosecutor's Office 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 (NIVD) case.<sup>3</sup> The statewide child support system determines at the time of closure if the case will be an open NIVD case or a closed NIVD 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 NIVD case. If there is not a current child support obligation or an arrears balance, the case will be a closed NIVD case.

## FORMS AND TOOLS

1. [Case Closure Complete Guide](#)
2. [Case Closure Desktop Guide](#)
3. [Case Closure Matrix: How It Works](#)
4. [Why Didn't My Case Close - Case Closure Checklist](#)

## FREQUENTLY ASKED QUESTIONS

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

<sup>2</sup> 45 C.F.R. § 303.2(c)

<sup>3</sup> 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 NCP's incarceration, the incarceration must be for the duration of the child's minority and the NCP must have no evidence of support potential for this case closure reason to be used.
2. Q. The NCP 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. The case may be closed for this case closure reason when the NCP is incarcerated with no evidence of support potential and all of the children on the case have been emancipated. Keep in mind that "evidence of support potential" may mean that the NCP is incarcerated in a facility in which inmates may earn income through employment.
3. Q. If the Title IV-D Prosecutor's Office learns the NCP 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's Office to initiate a review and adjustment of the child support order?
- A. Yes. The Title IV-D Prosecutor's Office is strongly encouraged to initiate a review and adjustment whenever the Title IV-D Prosecutor's Office 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.).<sup>4</sup>
4. Q. When a CP receives the intent to close notice for this case closure reason and contacts the Title IV-D Prosecutor's Office and asks that the case remain open, may the Title IV-D Prosecutor's Office cancel or proceed with case closure? Does it matter if the CP provides new or additional information?
- A. If the CP provides new or additional information that could assist the Title IV-D Prosecutor's Office in working the case, then the Title IV-D Prosecutor's Office is strongly encouraged to cancel the case closure and proceed with working the case. However, if the CP does not provide new or additional information, then the Title IV-D Prosecutor's Office has the discretion as to whether to cancel or proceed with case closure. Regardless of whether the CP provides new or additional information or not, the Title IV-D Prosecutor's Office shall document the correspondence or conversation with the CP in the statewide child support system.<sup>5</sup>

## RELATED INFORMATION

1. The ISETS case closure code is CINC.
2. Chapter 13: Review and Adjustment/Modification of the Child Support Order, Section 2: Review and Adjustment Procedures

## REVISION HISTORY

<sup>4</sup> IC 31-16-8-1(b)(1); Chapter 13: Review and Adjustment/Modification of the Child Support Order, Section 4: Review and Adjustment Procedures

<sup>5</sup> 45 C.F.R. § 303.2(c)

<b>Version</b>	<b>Date</b>	<b>Description of Revision</b>
Version 1	12/18/2018	Final approved version
Version 1.1	12/08/2021	Added clarifying language about NCP's potential for employment in FAQ #2 and added FAQ regarding when CP responds to the notice of intent to close