

	INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL	
	Chapter 20: Other Child Support Related Topics	Effective Date: 06/18/2020
	Section 1: Family Violence in Title IV-D Cases	Version: 1 Revision Date: 06/17/2020

BACKGROUND

Family violence, also referred to as domestic violence or domestic abuse, is a pattern of behavior used by an individual to gain or maintain power and control over another individual.¹ Indiana Code defines family or domestic violence as being committed when “a person knowingly or intentionally touches a family or household member in a rude, insolent, or angry manner and the offense results in moderate or serious bodily injury to a family or household member.”² In addition to physical abuse, family or domestic violence may include sexual, emotional, and financial abuse.³

Child support is an opportunity for the custodial party (CP) – who may be a biological parent, a relative caregiver, or a non-relative guardian – to establish economic independence from the perpetrator and/or to maintain financial stability. However, the child support process may introduce safety concerns for some CPs.

The following policy offers best practices to consider when working family-violence indicated cases for Title IV-D Prosecutor’s Offices that do not currently have internal family violence case processing procedures. Title IV-D Prosecutor’s Offices may incorporate the following recommendations, if practical, into any existing internal procedures.

POLICY

The Office of Child Support Enforcement (OCSE) recommends that Title IV-D agencies have procedures in place when processing cases that involve family violence.⁴ Federal guidelines also require state plans for child support to include safeguards against the release of information on the whereabouts of a party and child to another party if:

- a. The State has reasonable evidence of domestic violence or child abuse against a party or child in the case; and
- b. The State has reason to believe the release of the information may result in physical and/or emotional harm to the party and/or the child.⁵

The Title IV-D Prosecutor’s Office should use the Family Violence Indicator (FVI) in a Title IV-D case when it has reason to believe the release of information may result in the physical or emotional harm of the case participant and/or child.⁶ The FVI is a code that is entered on case participants in the statewide child support system when family violence is a concern. The FVI

¹ Get Child Support Safely

² IC 35-42-2-1.3(a)(1); IC 35-42-2-1.3(b)(3); IC 35-42-2-1.3(c)(1)

³ National Conference of State Legislatures (NCSL): Child Support and Domestic Violence

⁴ *Id.*

⁵ 42 U.S.C. § 653(b)(2); 42 U.S.C. § 654(26); 45 C.F.R. § 303.21(e)

⁶ CSB-AT-108; OCSE-AT-98-27

prevents the protected participants' locate information from being released to other child support agencies through the State Case Registry and the Federal Case Registry. (For more information, see Chapter 20: Other Child Support Related Topics, Section 1: Federal Case Registry and State Case Registry.)

REFERENCES

- [IC 12-7-2-43.5](#): “Cooperate”
- [IC 12-14-7-3](#): Child born out of wedlock; cooperate in establishing paternity and child support; good faith effort to cooperate required; presumption of good faith effort; other consideration
- [IC 34-26-5-2](#): Persons eligible to file petition for order of protection; petition on behalf of a child; prohibition on mutual orders; jurisdiction for order sought against a minor
- [IC 35-42-2-1.3](#): Domestic battery
- [CSB-AT-108](#): Federal Case Registry (FCR) and Family Violence Indicator (FVI)
- Indiana Division of Family Resources: [ICES Program Policy Manual](#)
- [42 U.S.C. § 653](#): Federal Parent Locator Service
- [42 U.S.C. § 654](#): State plan for child and spousal support
- [45 C.F.R. § 303.21](#): Safeguarding and disclosure of confidential information.
- [45 C.F.R. § 307.11](#): Functional requirements for computerized support enforcement systems in operation by October 1, 2000.
- [OCSE-AT-98-27](#): PRWORA: Requiring the Placement of a Family Violence Indicator
- [OCSE-IM-19-06](#): Model Procedures for Domestic Violence Cases
- OCSE [FCR Query Navigation Guide](#)
- OCSE [The Role of the Family Violence Indicator: Safely Pursuing Child Support](#)
- Protection Order Committee of the Judicial Conference of Indiana: [Protection Order Deskbook](#)
- [National Conference of State Legislatures \(NCSL\): Child Support and Domestic Violence](#)
- [Get Child Support Safely](#) (A Collaboration between the Texas Council on Family Violence and the Texas Attorney General)

PROCEDURE

1. Screening for Family Violence

OCSE recommends child support agencies have family violence screening and case management procedures in place to effectively provide child support services to parents impacted by family violence.⁷ The Indiana Coalition Against Family Violence suggests the following guidelines when interviewing an enrollee to screen for family violence in a child support case:

- a. If possible, the child support caseworker should interview the enrollee in a private room or area of the office, without the presence of friends or family, to ensure the enrollee's comfort and to encourage disclosure;
- b. The caseworker should build a rapport with the enrollee, listen without interruption, and not apply pressure to disclose information;
- c. The screening process should be presented as “routine” so the enrollee does not feel singled out;

⁷ OCSE-IM-19-06

- d. The enrollee should be given accurate and complete information about the child support process, as well as be informed of what case information will remain confidential and what information may be disclosed;
- e. If there is a language barrier, a professional interpreter should be used;
- f. The caseworker should explain to the enrollee that confidential information may be openly discussed during a court hearing; and
- g. The enrollee should be informed of all available enforcement options and be allowed to provide input on which enforcement options to pursue.

The caseworker should also explain to the enrollee the extent to which her/his cooperation is needed to complete required actions on the case, as well as the consequences for failing to cooperate. Examples of cooperation may include the enrollee:

- a. Responding to telephone calls or written correspondence from the Title IV-D Prosecutor's Office;
- b. Attending scheduled appointments with the Title IV-D Prosecutor's Office;
- c. Attending scheduled court hearings; and
- d. Responding to requests for additional information required by the Title IV-D Prosecutor's Office to proceed with appropriate actions on the case.⁸

If an enrollee is referred for Title IV-D services because she/he receives Temporary Assistance for Needy Families (TANF), and the Title IV-A agency determines the CP has "good cause" not to cooperate with enforcement efforts because of reasonable evidence of family violence, the Title IV-D Prosecutor's Office should proceed with closing the case on the statewide child support system. At least one (1) of the following circumstances must be present for a child support case to qualify for a "good cause" exemption:

- a. Cooperation is anticipated to result in physical or emotional harm to the child for whom support is being sought;
- b. Cooperation is anticipated to result in the physical or emotional harm of the parent or caretaker relative with whom the child is living; or
- c. The child was conceived as a result of incest or rape.⁹

The Title IV-D Prosecutor's Office should accept from the protected party any disclosure, written or verbal, of safety concerns as reason to believe that releasing the protected parties' information may result in physical and/or emotional harm to the protected parties.¹⁰ In addition to the FVI, the Title IV-D Prosecutor's Office may determine that other protections are required to safeguard the protected parties' information. Additional safeguards may include, but are not limited to:

- a. Redacting the protected parties' personal and contact information in the case file;
- b. Filing redacted versions of the pleadings and court orders;
- c. Labeling the physical case file with "FVI" or "Non-Disclosure";
- d. Filing non-disclosure statements;
- e. Contacting the protected CP by phone or in the office only (mail may be intercepted by the perpetrator)¹¹; and

⁸ IC 12-7-2-43.5(a); IC 12-14-7-3(d)

⁹ ICES Program Policy Manual, 2436.10.10.05, Child Support Good Cause Circumstances

¹⁰ OCSE-IM-19-06

¹¹ *Id.*

- f. Omitting the protected parties' personal information and address from the National Medical Support Notice (NMSN).¹²

An additional safeguard to prevent disclosure of the protected parties' information is to either have the protected/custodial party provide medical insurance for the child(ren) or to order the non-custodial parent (NCP)/perpetrator to pay cash medical support.¹³

2. Family Violence Indicator (FVI)

When a party notifies the Title IV-D Prosecutor's Office of a history of family violence between the case participants, the FVI should be set on the MPI of the alleged victim (i.e., the party or the child) in the statewide child support system.¹⁴ Further, when an initiating jurisdiction notifies the Title IV-D Prosecutor's Office of a history of family violence between the case participants, a caseworker should set the FVI on the MPI of the alleged victim in the statewide child support system.¹⁵ OCSE requires the FVI only be set on the alleged victim(s), not on the perpetrator of the family violence.¹⁶ The Title IV-D Prosecutor's Office has the discretion to determine the appropriate FVI code to enter on the case.

In Indiana's statewide child support system, the FVI is entered at case level on the Enhanced Information Screen (ASEC8Q).¹⁷ Indiana's statewide child support system is programmed to set the FVI on the CP and all active children on the case by default to prevent the protected participants' information from being released through the FCR. (See FAQ #1 for more information.) The current FVI codes and instructions on how to add the FVI on the statewide child support system can be found in the ISETS Desktop Guide: [Adding a Family Violence Indicator in ISETS](#).

The Title IV-D Prosecutor's Office should explain to the protected party the purpose of the FVI, on whom the FVI is applied, how their contact information will be protected, and enforcement limitations caused by the existence of an FVI. The FVI should only be removed from the statewide child support system at the request of the protected CP.¹⁸ The Title IV-D Prosecutor's Office should not limit the number of times a protected party may ask for the removal or reinstatement of the FVI because the level of risk to victims tends to change when circumstances change.¹⁹ (See FAQ #2 for information on how to remove the FVI from the statewide child support system.)

The Title IV-D Prosecutor's Office must update the statewide child support system within five (5) business days of receipt of information which would cause the addition or removal of an FVI.²⁰ This action will also update a case participant's FVI status on the

¹² *Id.*

¹³ OCSE-IM-19-06

¹⁴ CSB-AT-108

¹⁵ *Id.*

¹⁶ OCSE: The Role of the Family Violence Indicator

¹⁷ CSB-AT-108

¹⁸ OCSE-IM-19-06

¹⁹ *Id.*

²⁰ 45 C.F.R. § 307.11(f)(1); OCSE-AT-98-27

State Case Registry (SCR) and Federal Case Registry (FCR).²¹ Only the State that places the FVI can remove it.²²

3. Recommended Court Procedures

The protected party may have reservations about attending a court proceeding in which the perpetrator is also required to attend. Court proceedings can escalate the risk of violence for the adult victim and or child(ren). Title IV-D Prosecutors' Offices should have safety procedures in place in court settings when family violence has been disclosed in a child support case.

Prior to the court date, the Title IV-D Prosecutor's Office should notify the protected party if any of her/his information will be shared during the court proceedings so that she/he may devise a safety plan. The protected party should be allowed to bring a domestic violence advocate with her/him to court. If the protected party is not receiving, or has not requested, the services of a domestic violence advocate, the child support caseworker should provide her/him with a list of local domestic violence and/or counseling programs that may provide services, such as court room support and assistance with developing a safety plan. A child support caseworker may notify the local domestic violence program(s) in their county of upcoming family violence-indicated child support hearings so that advocates may arrange to attend the hearings to provide support to the protected party.

As an added safety measure, the parties may remain separated during child support negotiations and may only be brought into the same courtroom if there is a hearing before the judge. Other safety measures to consider include to:

- a. Allow the protected party to participate in the court proceedings telephonically;
- b. Inform court security or a bailiff that the perpetrator will be in the courthouse and to provide his/her name and a recent photo, if available;
- c. If possible, have the protected party and the perpetrator sit in separate waiting rooms;
- d. Arrange for court security to be in the courtroom during the proceedings;
- e. Stagger the departures of the protected party and the perpetrator, allowing the protected party to leave the courtroom several minutes before the perpetrator; and
- f. Arrange for court security to escort the protected party in and out of the courthouse and to and from her/his car.

Child support staff and court staff should be aware of the possibility of intimidation and threatening behavior if the protected party and the perpetrator are in the same courthouse or courtroom. The intimidation and threatening behavior may also be exhibited by individuals that accompany the perpetrator to court, such as his/her family, friends, or current romantic partner.

4. Family Violence Resources

Title IV-D caseworkers and prosecutors should have a working knowledge of the domestic violence programs and services in their counties. Victim advocate

²¹ OCSE-AT-98-27

²² OCSE: FCR Query Navigation Guide

organizations and shelters listed by Indiana county can be found on the websites of the [Indiana Judicial Branch](#) and the [Indiana Coalition Against Domestic Violence](#) (ICADV). ICADV also provides domestic violence education and training to child support staff and can assist Title IV-D Prosecutors' Offices with developing a domestic violence screening tool.

An Order of Protection may be filed by a victim of domestic or family violence for protection against a person who commits an act of domestic or family violence, stalking, or a sexual offense.²³ A parent, guardian, or other representative may file a petition for an Order of Protection on behalf of a child who has been a victim of domestic or family violence against a person who commits an act of domestic or family violence, stalking, a sexual offense or who engages in continuing contact and conduct with a child with purpose of preparing that child for sexual activity.²⁴

If the protected party has not already petitioned the court for one, a Petition for an Order of Protection may be filed with the Clerk of Court in the county where the protected party resides. Indiana also has an online system through which a protected party may file for an Order of Protection with the assistance of a victim's advocate. (The organizations listed on the Indiana Judicial Branch's website utilize "advocate access" to file petitions for protective orders on behalf of the protected party.) The victims' advocate will interview the alleged victim in the security and privacy of the advocate's office and will prepare and file the petition electronically after the victim reviews the form. Copies of blank Protection Orders, No Contact Orders, and Workplace Violence Restraining Orders can be found on the [Indiana Judicial Branch's website](#).

All protection orders in Indiana must be filed electronically so that police officers and FBI field agents have access to the most current information about these orders. The information is populated on Indiana's Protective Order Registry. The registry includes the names of the protected party or parties, the identification and description of the perpetrator, whether a firearm restriction was ordered, and other important details. Information from the registry is shared with the Indiana Department of Justice, the Indiana Data and Communication System (IDACS), and the FBI's National Crime Information Center (NCIC).

A party who has a protective order may sign up for the Indiana Attorney General's Address Confidentiality Program (ACP). ACP is a free program that allows victims of domestic violence, sexual assault, or stalking – who have protective orders – to maintain a confidential address through the Attorney General's office. If eligible, the victim's first class mail will be sent to a "secure substitute address" and then forwarded to the victim's home. The substitute address is also used for most state and local government services, such as on driver's licenses, vehicle, voter, and school registrations, and legal procedures. Eligibility requirements can be found on the [Attorney General's website](#).

The Office of the Indiana Attorney General's [Hope Card Program](#) allows anyone with a valid, long-term (12 months or more) protective order to request a laminated card that summarizes the order's most important details. The card provides law enforcement with essential information when there is a potential violation of the protective order. Although

²³ IC 34-26-5-2(a)

²⁴ IC 34-26-5-2(b)

it is not mandatory because the information is available online, it is recommended that the protected party carry a copy of their protective order at all times.

5. Additional Title IV-D Prosecutor's Office and Court Resources

The [Family Violence Resource Attorney](#) serves as a single point of contact for all Indiana courts on matters related to family violence and for providing education, training, and subject-matter expertise to judicial officers. The Family Violence Resource Attorney also collaborates with county prosecutors, law enforcement, domestic violence shelters, victims' advocates, and social service agencies to provide family violence outreach within the community. The Family Violence Resource Attorney's contact information may be found on the Indiana Judicial Branch's website.

The [Domestic Violence Network](#) (DVN) provides domestic violence education to a variety of organizations in Central Indiana that interact with victims, survivors and/or perpetrators of domestic violence. DVN provides domestic violence education and advocate training to prosecutors' offices, social service agencies, law enforcement officers, educators and youth workers, health care professionals, clergy and other faith-based community members, and adolescent youth and their parents.

FORMS AND TOOLS

1. [Adding a Family Violence Indicator in ISETS](#) Desktop Guide
2. [Child Support Agency Confidential Information](#) OCSE Intergovernmental Form
3. [FPLS State Services Portal: Federal Case Registry and Using the Portal](#) Desktop Guide
4. [OCSE: Domestic Violence Expert-Informed Model Screening Questions and Practices](#)
5. [Protective Orders and No Contact Orders Search](#)

FREQUENTLY ASKED QUESTIONS

1. Q. On which participants' MPIs is the FVI set when an FVI code is entered on a case in the statewide child support system?
 - A. Indiana's statewide child support system is programmed to set the FVI on the MPIs of the CP, all active children in the case, and all active children in any other case(s) in which the participant with the active FVI is listed as a CP.²⁵

If a protected participant is listed as a CP on a case, but the same participant is identified as a NCP on another case, the FVI will not appear on the case in which the participant is listed as the NCP.
2. Q. How is the FVI removed from a case?
 - A. The FVI is removed by entering a date in the "End Date" field on the Enhanced Case Information screen (ASEC8Q). After the nightly batch in the statewide child support

²⁵ CSB-AT-108

system, the FVI, the family violence reason code, and the family violence “effective” and “end” dates are removed from the case.

3. Q. What is the difference between a Protective Order and a No Contact Order?

A. A Protective Order is filed by the party seeking protection and is granted in civil cases. Indiana Protection Orders last for two (2) years, unless the Court decides on a different duration.²⁶

A No Contact Order is requested by the State of Indiana to protect a victim in a criminal or juvenile proceeding.²⁷ A No Contact Order terminates when the Court releases the defendant’s bond, unless the Court extends the provisions of the No Contact Order by making “no contact” a provision of an Order of probation.²⁸

No Contact Orders may be issued in addition to a civil Protection Order. However, dismissing a No Contact Order will not affect an existing Protection Order.²⁹

4. Q. Should the Title IV-D Prosecutor’s Office pursue the collection of state-owed arrears after the case has been closed for good cause due to family violence?

A. If a case is closed for good cause due to family violence, the Title IV-D Prosecutor’s Office should terminate all enforcement actions immediately, including attempts to collect state-owed arrears. Ongoing enforcement actions may create an additional risk of physical or emotional harm to the protected party and/or child(ren) by the NCP/perpetrator.³⁰

RELATED INFORMATION

1. Chapter 17: Case Closure, Section 12: Not in the Best Interest of Child to Establish Paternity in Case of Incest, Forcible Rape, or Pending Adoption Proceedings (CGCA)
2. Chapter 17: Case Closure, Section 26: IV-A Agency Determined Good Cause to not Pursue Case (CGCB)
3. Chapter 20: Other Child Support Related Topics, Section 1: Federal Case Registry and State Case Registry
4. [Domestic Violence Network](#)
5. [Family Violence Resource Attorney](#)
6. [Hope Card Program](#), Indiana Office of the Attorney General
7. [Indiana Coalition Against Domestic Violence](#)
8. [Indiana Judicial Branch](#)
9. [OCSE: Child Support When You’re Afraid of the Other Parent – Guide for Domestic Violence Advocates and Survivors](#)
10. Oklahoma DHS [Domestic Violence Manual for Child Welfare Professionals](#)
11. [Domestic Violence: Best Practices When Working with Victims of Intimate Partner Violence](#) (internal; from 2019 Summer Conference)

²⁶ Protection Order Deskbook

²⁷ Protection Order Deskbook

²⁸ *Id.*

²⁹ *Id.*

³⁰ OCSE-IM-19-06