

	<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 3: Child Emancipated and Arrears Below \$500.00 (CEMC)</b>	<b>Version: 1.2 Revision Date: 12/08/2021</b>

**BACKGROUND**

Closing a case when all active children on a case are emancipated and the arrears are below \$500.00 is an auto closure process, which means the statewide child support system recognizes that case closure criteria have been met and initiates the intent to close notice.

The auto closure process takes place weekly on Saturday. If the first day of the month is a Saturday, the case closure program does not run that day, but runs the following Saturday. Only Title IV-D cases in the statewide child support system are considered for auto closure. The auto closure process excludes:

1. Intergovernmental cases that have not yet been assigned to a county;
2. Cases in which a prior case closure attempt was cancelled in the previous one (1) year and that cancel was not cancelled; or
3. Cases in which a payment (other than a lottery intercept, administrative offset, State tax offset, federal tax offset, financial institution data match (FIDM), insurance match (CSLN), recoupment, or annual support fee payment) was applied to the case in the previous 45 days. For this particular case closure reason, a payment in the previous 45 days may not exclude a case if the last payment reduced the arrears to a \$0.00 balance.

Once the auto closure process selects a case for closure, it initiates an intent to close notice to the custodial party (CP) or other tribunal. 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 by the Title IV-D Prosecutor’s Office. If the criteria is still met and the process has not been cancelled, the case is automatically closed to Title IV-D services. If the case closure process has been cancelled, the case will not be eligible again for auto closure for one (1) year unless the “cancel the cancel” code (XNCL) is entered in the statewide child support system. If XNCL is entered, the case is reviewed again for case closure during to the next weekly case closure program.

Closing the case to Title IV-D services does not affect the validity or status of a court order.

**POLICY**

A Title IV-D case may be closed due to emancipation when the following criteria are met:

1. A court order for current child support or arrears must have been entered;
2. An order for current child support no longer exists;
3. The arrears are less than \$500.00; and

4. All active children on the case are emancipated and not disabled.<sup>1</sup>

## REFERENCES

- [45 C.F.R. § 303.11\(b\)\(1\)](#): Case closure criteria

## PROCEDURE

1. Determining Whether the Case Should Close

When the Title IV-D Prosecutor's Office becomes aware through the statewide child support system or through other means that a case meets the case closure criteria, the Title IV-D Prosecutor's Office may wish to review the case to determine whether to cancel the case closure process. The Title IV-D Prosecutor's Office may wish to consider the following factors:

- a. Whether a petition is pending before the Court;
- b. Whether payments are sporadically applied to the case; and
- c. Whether new hire and locate programs may assist in enforcing an order.

If the Title IV-D Prosecutor's Office determines the case should not close, the Title IV-D Prosecutor's Office cancels the case closure process in the statewide child support system. This will prevent the case from automatically closing for one (1) year at which time the case will be automatically reevaluated for closure unless XNCL has been entered.

2. Case Type and Status Upon Closure

When a Title IV-D case is closed for this auto closure reason, the case closes to Title IV-D services and becomes a closed non-Title IV-D (NIVD) case.<sup>2</sup>

## FORMS AND TOOLS

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

## FREQUENTLY ASKED QUESTIONS

1. Q. The federal regulation for this case closure reason (CEMC) is the same as the case closure reason for when there is no longer an order, the arrearage is under \$500.00, and at least one (1) of the children on the case is not emancipated (CNOA). Why are there two (2) separate closure reasons for the same federal regulation?

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<sup>1</sup> 45 C.F.R. § 303.11(b)(1)

<sup>2</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. The Child Support Bureau uses two (2) different closure codes for the same federal case closure regulation to distinguish between the following situations:
1. Where there is no longer an order for current child support based on the emancipation of all children on the case (CEMC); and
  2. Where there is no longer an order for current child support despite the presence of at least one (1) unemancipated child on the case (CNOA). Both situations require arrears to be under \$500.00 in order to qualify for case closure.
2. Q. If a child on the case will not emancipate at age 19 due to a disability, is there a way to keep the case from closing for this case closure reason?
- A. Yes. If a child is disabled and will not become emancipated automatically at age 19, the Title IV-D Prosecutor's Office completes the disability field on the child's participant data screen of the statewide child support system. If the information in this data field indicates the child is disabled, then the case will not close due to the child's emancipation.
3. 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>3</sup>

<b>RELATED INFORMATION</b>
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The ISETS case closure code is CEMC.

<b>REVISION HISTORY</b>
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Version	Date	Description of Revision
Version 1	12/18/2018	Final Approved Version
Version 1.1	08/19/2020	Removed genetic testing fee criteria.
Version 1.2	12/08/2021	Added FAQ regarding when CP responds to the notice of intent to close.

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<sup>3</sup> 45 C.F.R. § 303.2(c)