

	<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 17: Non-Cooperation of Custodial Party (CNON)</b>	<b>Version: 1.2 Revision Date: 12/08/2021</b>

**BACKGROUND**

Closing a case due to the non-cooperation of the custodial party (CP) may only be used if the party is one of the following:

1. A Title IV-D enrollee who previously, but is not currently, receiving Temporary Assistance for Needy Families (TANF);
2. A Title IV-D enrollee who is receiving Medicaid; or
3. A Title IV-D enrollee who never received TANF.<sup>1</sup>

This closure reason follows the 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 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 for non-cooperation when the following occurs:

1. The Title IV-D enrollee or CP is not currently receiving TANF;
2. An action by the CP is essential for the next step in providing Title IV-D services;
3. The Title IV-D Prosecutor’s Office has communicated to the CP what the necessary action is;
4. The CP fails to conduct the necessary action;
5. The Title IV-D Prosecutor’s Office documents the failure of the CP to conduct the necessary action;
6. There have been no payments received on this case in the last 45 days;
7. The case is not a responding intergovernmental case; and
8. There is no State owed arrears.<sup>2</sup>

<sup>1</sup> 45 C.F.R. § 302.33(a)(1)

<sup>2</sup> Items 1-5 are found in 45 C.F.R. § 303.11(b)(16) and items 6-8 are State policy.

## REFERENCES

- [45 C.F.R. § 302.33\(a\)\(1\)](#): Services to individuals not receiving title IV-A assistance
- [45 C.F.R. § 303.2\(c\)](#): Establishment of cases and maintenance of case records
- [45 C.F.R. § 303.11\(b\)\(16\)](#): Case closure criteria

## PROCEDURE

### 1. Case Management When the CP Does Not Cooperate

For Self-Assessment and Data Reliability Audit purposes, the Title IV-D Prosecutor's Office shall make the following notes in the statewide child support system:

- a. The specific action required by the CP that is essential for the next step in providing Title IV-D services;
- b. The date(s) and method(s) by which the Title IV-D Prosecutor's Office communicated the need for the specific action to the CP and the time frames given for the CP to comply; and
- c. That the CP failed to conduct the required action.<sup>3</sup>

Examples of non-cooperation include, but are not limited to, the following:

- a. The CP fails to come to the office to sign a petition, if required;
- b. The CP fails to come to the office to sign an Affidavit of Direct Payments;
- c. The CP fails to appear in Court where his or her testimony is required for the next action to be taken in the case; or
- d. The CP fails to respond to a request for additional information that would keep the Title IV-D Prosecutor's Office from taking the next action needed in a case.

Examples of improper use of this closure reason include, but are not limited to, the following:

- a. CP not complying with the behavioral expectations of the office regarding civility and etiquette;
- b. CP failing to return a request to opt off Title IV-D services;
- c. Youngest child over 18 and payments have not been received in a set amount of time; and
- d. CP failing to respond to a non-specific request to contact the office due to no contact for a certain length of time.

If other administrative enforcement actions may reasonably be used that do not require the CP's cooperation and those actions provide effective enforcement, then closure for non-cooperation is not appropriate.

### 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

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<sup>3</sup> 45 C.F.R. § 303.2(c)

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>4</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. 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 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 CP and child are receiving TANF and the CP will not respond to requests for information or show up for appointments in the office. Can this case be closed for non-cooperation?  
  
A. No. This case cannot be closed for this reason because the CP is receiving TANF. In this case, the Title IV-D Prosecutor's Office should notify the Division of Family Resources (DFR) through the IV-A/IV-D interface of the non-cooperation. The DFR may then issue a sanction against the CP.<sup>5</sup> Once the case is no longer a TANF case, it may be closed if the CP continues to not cooperate.
2. Q. The CP states he or she does not have any information about the non-custodial parent (NCP) other than his or her name despite numerous requests for more information. May the Title IV-D Prosecutor's Office close the case for non-cooperation?  
  
A. No. A CP is only required to give as much information as he or she could reasonably know. If it is reasonable that the CP does not know certain information about the NCP, then the CP cannot be penalized for responding that he or she does not know the information requested. While case closure due to a lack of information may not be appropriate with this case closure reason, a lack of information may be appropriate for one (1) of these case closure reasons:
  1. Unable to locate the NCP after six (6) months when sufficient identifying information is unknown;<sup>6</sup>

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<sup>4</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.

<sup>5</sup> Chapter 4: Temporary Assistance for Needy Families (TANF) Cases

<sup>6</sup> Chapter 17: Case Closure, Section 5: Unable to Locate Non-Custodial Parent after Six (6) Months when Date of Birth and Social Security Number Are Unknown (CNIN)

2. Unable to locate the NCP after one (1) year when the NCP's Social Security number cannot be verified;<sup>7</sup>
  3. Unable to locate the NCP after two (2) years when sufficient identifying information is known;<sup>8</sup>
  4. Identity of biological father unknown;<sup>9</sup> or
  5. Alleged father excluded and no other alleged father can be identified.<sup>10</sup>
3. Q. What is the proper way to close a case if the NCP enrolls in services and then fails to appear for an appointment or hearing?
- A. The case of a NCP who is the enrollee may be closed for the same non-cooperation reasons as a CP enrollee regarding appearing for an appointment or hearing as long as his or her action is essential for the next step in providing services. However, due to current ISETS limitations, the correct closure code is CPRT and not CNON. If CNON is used, the intent to close notice would be sent to the CP, who is not the enrollee or the party responsible for the non-cooperation. When closing a case CPRT due to the NCP's non-cooperation, the Title IV-D Prosecutor's Office shall include a very specific note in the statewide child support system that the NCP is the enrollee and is failing to cooperate.
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>11</sup>

## RELATED INFORMATION

The ISETS case closure code is CNON.

Chapter 4: Temporary Assistance for Needy Families (TANF) Cases

## REVISION HISTORY

<sup>7</sup> Chapter 17: Case Closure, Section 7: Unable to Locate Non-Custodial Parent after One (1) Year when Social Security Number Cannot Be Verified by Automated Sources (CNSS)

<sup>8</sup> Chapter 17: Case Closure, Section 9: Unable to Locate Non-Custodial Parent after Two (2) Years Where Sufficient Identifying Information Is Known (CULO)

<sup>9</sup> Chapter 17: Case Closure, Section 23: Identity of Biological Father Unknown (CUNK)

<sup>10</sup> Chapter 17: Case Closure, Section 11: Alleged Father Excluded and No Other Alleged Father Can Be Identified (CBIO)

<sup>11</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	08/19/2020	Removed genetic testing fee criteria.
Version 1.2	12/08/2021	Added FAQ regarding when CP responds to notice of intent to close.