

	INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL	
	Chapter 12: Enforcement	Effective Date: 03/22/2021
	Section 1: Overview of Enforcement	Version: 1.1 Revision Date: 02/15/2021

BACKGROUND

Some enforcement measures are administrative only, such as federal and State tax offsets and passport denial. Some enforcement measures are judicial only, such as contempt. Some enforcement measures may be taken either through administrative or judicial action, such as driver’s license suspension. The Sections that follow in this Chapter will discuss in further detail the various enforcement measures available in the Title IV-D program.

DEFINITIONS

1. **“Obligee”** means a person who is entitled to receive a payment under a support order.¹
2. **“Obligor”** means an individual who has been ordered by a Court to pay child support.²

POLICY

Enforcement of child support orders is a fundamental function of the Title IV-D program.³ The Title IV-D agency, either the Title IV-D Prosecutor’s Office or the Child Support Bureau (CSB), shall take appropriate enforcement action when a child support delinquency or other support related non-compliance of an order occurs.⁴

The Title IV-D Prosecutor’s Office retains the discretion to determine the most appropriate enforcement action to take on each Title IV-D case.

REFERENCES

- [IC 31-9-2-85](#): “Obligee”
- [IC 31-9-2-86](#): “Obligor”
- [42 U.S.C. § 654\(4\)](#): State plan for child and spousal support
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [45 C.F.R. § 303.2\(c\)](#): Establishment of cases and maintenance of case records
- [45 C.F.R. § 303.6\(c\)\(2\)](#): Enforcement of support obligations
- [45 C.F.R. § 308.2\(c\)\(3\)](#): Required program compliance criteria

¹ IC 31-9-2-85
² IC 31-9-2-86
³ 42 U.S.C. § 654(4); 42 U.S.C. § 666; 45 C.F.R. § 303.6
⁴ 45 C.F.R. § 303.6(c)(2)

PROCEDURE

1. Time for Enforcement

The Title IV-D Prosecutor's Office evaluates the case for enforcement upon identifying a child support delinquency or other support related non-compliance of a court order.⁵ If the location of the obligor is unknown, the Title IV-D Prosecutor's Office shall use all appropriate locate resources within 75 days of determining location service is needed.⁶

When service of process is not needed, the enforcement action shall be taken within 30 calendar days of identifying the delinquency or other non-compliance or of locating the obligor, whichever occurs later.⁷ Enforcement actions that do not require service of process are generally administrative enforcement actions.

When service of process is required, the enforcement action shall be taken within 60 calendar days of identifying the delinquency or other non-compliance or of locating the obligor.⁸ Judicial enforcement actions require service of process. Unsuccessful attempts to complete service of process shall be documented.⁹

2. Considerations in Determining the Appropriate Enforcement Action

The Title IV-D Prosecutor's Office is strongly encouraged to review in detail the specific circumstances of a case to determine the most appropriate and effective enforcement actions for that case.

When domestic violence has been reported in a case, the Title IV-D Prosecutor's Office may find it appropriate to discuss a planned enforcement measure with the victim, or custodian of the victim, prior to taking an enforcement action. This advanced notice may assist the victim in taking any necessary safety precautions.

3. STOPs on Enforcement

The Title IV-D Prosecutor's Office or CSB may enter a STOP on the enforcement screen in the statewide child support system for one (1) or more enforcement actions to prevent automated enforcement actions from occurring. A STOP may be entered at the discretion of the Title IV-D Prosecutor's Office or CSB based on a detailed review of the specific circumstances of the case. STOPs should be used sparingly. Reasons to enter a STOP may include, but are not limited to, the following:

- a. During an arrears dispute;
- b. While awaiting a court order which could result in a change in subaccount balances; or
- c. When a particular enforcement action is being contested.

⁵ 45 C.F.R. § 303.6(c)(2)

⁶ 45 C.F.R. § 308.2(c)(3)(i)

⁷ 45 C.F.R. § 303.6(c)(2); 45 C.F.R. § 308.2(c)(3)(v)

⁸ 45 C.F.R. § 303.6(c)(2); 45 C.F.R. § 308.2(c)(3)(vi)

⁹ 45 C.F.R. § 303.6(c)(2)

The Title IV-D Prosecutor's Office or CSB, whoever places the STOP, shall make notes in the statewide child support system detailing the reason for the STOP.¹⁰

Because there is no automated review of the STOP, when the Title IV-D Prosecutor's Office or CSB enters a STOP, they are strongly encouraged to also calendar a review of the STOP. Thus, if the Title IV-D Prosecutor's Office or CSB does not manually calendar a review of a STOP, the STOP will remain indefinitely which could result in one (1) or more automatic administrative enforcement actions not occurring.

A STOP on income withholding order cannot be entered by the Title IV-D Prosecutor's Office; however, it may be entered by CSB. If the Title IV-D Prosecutor's Office would like to place a STOP on income withholding, the request is sent to CSB using the Employer Maintenance Unit Request form. It should also be noted that the universal STOP will not prevent unemployment compensation withholding as that particular enforcement activity must have the STOP entered specifically on that line of the enforcement screen of the statewide child support system.

FORMS AND TOOLS

1. [Administrative Enforcement Matrix](#)
2. [Employer Maintenance Unit Request form](#)

FREQUENTLY ASKED QUESTIONS

N/A

RELATED INFORMATION

N/A

REVISION HISTORY

Version	Date	Description of Revision
Version 1	03/14/2019	Final Approved Version
Version 1.1	03/22/2021	Added definitions. Verified citations are correct.

¹⁰ 45 C.F.R. § 303.2(c)