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|  | INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL | |
| | Chapter 12: Enforcement | Effective Date: 03/22/2021 |
| | Section 2.3: Financial Institution Data Match (FIDM) | Version: 2 Date: 02/15/2021 |

BACKGROUND

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) established procedures under which the Title IV-D agency enters into agreements with financial institutions doing business in its State for the purpose of securing information through financial institution data matches (FIDM) leading to the enforcement of child support orders.¹ Financial institutions include banks, credit unions, savings and loans, benefit associations, insurance companies, safe deposit companies, money market mutual funds, and similar institutions.² Financial accounts matched include demand deposit accounts, checking accounts or negotiable withdrawal order accounts, savings accounts, time deposit accounts, and money market mutual fund accounts.³

The Child Support Performance and Incentive Act of 1998 created the Multi-State Financial Institution Data Match to provide multi-state financial institutions (MSFIs) the option to coordinate with a single point of contact rather than each State separately.⁴ The Child Support Bureau (CSB) has granted the Office of Child Support Enforcement (OCSE) the authority to be its agent in the implementation of a centralized data match with MSFIs.

For financial institutions solely doing business within the State of Indiana, CSB has authorized a vendor (Vendor) to coordinate with these financial institutions as a single point of contact for the single-state FIDM process.

POLICY

CSB notifies OCSE and Vendor of obligors' arrears balances. Upon receipt of matched financial institution data, CSB prepares a FIDM report to be used in the enforcement of obligors' arrears obligations.

REFERENCES

- [IC 28-9-3-4](#): Adverse Claim by Money Judgement Creditor Attempting to Garnish Deposit Account; Accountability of Depository Institution; Interrogatories; Actions Required of Adverse Claimant
- [IC 28-9-4-2](#): Receipt of Notice from an Adverse Claimant who is a Money Judgment Creditor; Restriction on Withdrawal from Deposit Account; Expiration of Restriction
- [IC 31-16-15-3.5](#): Notice to withhold income

¹ IC 31-25-4-31; 42 U.S.C. § 666(a)(17); PL 104-193

² 42 U.S.C. § 666a(d)(1)

³ 42 U.S.C. § 666(a)(17)(D)(ii)

⁴ PL 105-200

- [IC 31-16-15-4.3](#): Income withholding order; contesting implementation
- [IC 31-25-4-31](#): Data Match System with Financial Institutions to Block Account with Child Support Lien
- [465 IAC 3-3-3](#): Request for Hearing
- [42 U.S.C. § 666](#): Requirement of Statutorily Prescribed Procedures to Improve Effectiveness of Child Support Enforcement
- [42 U.S.C. § 669a](#): Nonliability For Financial Institutions Providing Financial Records to State Child Support Enforcement Agencies in Child Support Cases
- [45 C.F.R. § 303.2](#): Establishment of cases and maintenance of case records
- [45 C.F.R. § 303.100](#): Procedures for Income Withholding
- [45 C.F.R. § 307.11](#): Functional Requirements For Computerized Support Enforcement Systems in Operation by October 1, 2000.
- [PL 104-193](#): Personal Responsibility and Work Opportunity Reconciliation Act of 1996
- [PL 105-200](#): Child Support Performance and Incentive Act of 1998
- [OCSE-AT-10-04](#): Collection and Enforcement of Past-Due Child Support Obligations
- [OCSE-PIQ-18-02](#): Concurrent SSI and SSDI or Concurrent SSI and SSR Benefits

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| PROCEDURE |
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1. Multi-State Financial Institution Data Match

CSB submits to OCSE weekly a file which includes the names, Social Security numbers, and the child support arrears amounts of obligors whose arrears are above \$500.00. CSB may combine arrears amounts for multiple Title IV-D cases with the same obligor to reach the \$500.00 threshold. If there has been any change in the amount of an arrearage, the new amount is reported in the weekly file until the past due support is \$0.00.

This file is then submitted to MSFIs by OCSE and the child support data is compared to open financial account data. The MSFIs transmits to OCSE obligors' financial account information whose child support data matches obligors with maintained financial accounts. OCSE then submits the data returned from the MSFIs to CSB quarterly.⁵

2. Single-State Financial Institution Data Match

CSB submits to Vendor a file which includes the names, Social Security numbers, and the child support arrears amounts of obligors whose arrears are above \$500.00. CSB may combine arrears amounts for multiple Title IV-D cases with the same obligor to reach the \$500.00 threshold. If there has been any change in the amount of an arrearage, the new amount is reported in the weekly file until the past due support is \$0.00.

This file is then submitted to the single-state financial institutions (SSFIs) by Vendor and the child support data is compared to open financial account data. The SSFIs transmits to Vendor obligors' financial account information whose child support data matches obligors with maintained financial accounts. The information returned from the SSFIs to the Vendor is compiled into a quarterly report available in Data Warehouse.

⁵ OCSE AT-10-04
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3. FIDM Report

Upon receipt of the list from OCSE and Vendor of obligors with financial accounts, CSB prepares a quarterly report with obligor and financial account information. Included in the FIDM report is account balance information and type of account ownership information. Financial account balance information may be reported on the FIDM report with a \$0.00 account balance. However, a \$0.00 account balance is indicative of a matched account with the financial institution and not the amount of funds in the matched account. Obligor are also listed as either the sole owner, primary owner, or secondary owner of the matched account.

For checking accounts, at least \$500.00 is recommended to remain in that account as unencumbered. For savings accounts, there is no recommended amount to remain as unencumbered.

The FIDM report is accessible by the Title IV-D Prosecutor's Office, who ultimately makes the determination if a FIDM income withholding order (IWO) should be issued. The Title IV-D Prosecutor's Office may issue the FIDM IWO to the obligor's financial institution or request that the CSB issue the FIDM IWO. Further, the Title IV-D Prosecutor's Office maintains the discretion to issue, or request that CSB issue, a FIDM IWO for arrears balances that are below the recommended threshold amounts.

4. FIDM Notice to Withhold Income (NOW)

For each FIDM IWO issued to the financial institution by the Title IV-D Prosecutor's Office, or CSB at the Title IV-D Prosecutor's Office's request, a copy of the FIDM IWO, as well as a FIDM Notice to Withhold Income (NOW), is also sent to the obligor. The NOW provides information about the FIDM IWO and details how the obligor can contest implementation of the FIDM IWO.⁶

Independent of the FIDM IWO NOW issued by the Title IV-D Prosecutor's Office, or CSB, the financial institution is required to provide written notification of the FIDM IWO to each account owner listed on a matched account.⁷

5. Contesting the FIDM IWO⁸

If the obligor wishes to contest the issuance of a FIDM IWO, within 20 days of the date the NOW is mailed, the obligor must submit a written request for an administrative hearing to CSB.⁹ The only basis for contesting a FIDM IWO is that a "mistake of fact" has occurred.¹⁰ A mistake of fact, for the purposes of contesting a FIDM IWO, is either:

- a. The person to whom the notice was sent is not the person to whom the notice applies; or
- a. An error in the amount of current or overdue support.¹¹

⁶ IC 31-16-15-3.5

⁷ IC 28-9-4-2(a)(3)

⁸ Chapter 12: Enforcement, Section 6: Administrative Hearings

⁹ IC 31-16-15-4.3(a); 465 IAC 3-3-3(c)

¹⁰ IC 31-16-15-4.3(b)

¹¹ IC 31-16-15-4.3; 465 IAC 3-3-3(k); 45 C.F.R. § 303.100(c)(2)

Additionally, the obligor is encouraged to contact the Title IV-D Prosecutor's Office to resolve any potential mistakes. The Title IV-D Prosecutor's Office has the discretion to make payment arrangements with the obligor, or review the account information with the obligor, to prevent the FIDM payment from posting onto the obligee's child support account. If the Title IV-D Prosecutor's Office uses this discretion, it must make a notation in the statewide child support system to alert CSB of these arrangements within the 25 day payment hold time frame, thereby allowing CSB to refund the FIDM payment back to the obligor.¹²

However, the obligor simply contacting the Title IV-D Prosecutor's Office does not extend or effect the timeliness of the request for an administrative hearing.

6. FIDM IWO Payment Processing

The FIDM IWO includes the total amount to be withheld from the obligor's financial account. The financial institution reviews the lump sum amount of withholding ordered and sends the funds available in the obligor's account to the Indiana State Central Collection Unit (INSCCU). A hold is placed on the FIDM payment for 25 days upon its receipt by INSCCU.

If an eligible FIDM administrative hearing has not been requested, then the FIDM payment will post to obligee's case after the 25 day hold has lapsed.

If an eligible FIDM administrative hearing has been requested by the obligor, a 90 day hold from the date the FIDM payment is received by INSCCU is placed on the FIDM payment. The resulting administrative hearing disposition will dictate if the held FIDM payment is to be refunded to the obligor or posted to obligee's child support case. Once the hearing disposition is entered, the hold placed on the FIDM payment will be released. If the administrative hearing disposition has not been decided within the original 90 day hold from the date the FIDM was received, then the hold on that FIDM payment will be extended an additional 90 days until there is an administrative hearing disposition.

The statewide child support system will not generate a FIDM IWO if the obligor is a recipient of SSI or concurrent SSI/SSDI benefits. However if any SSI or concurrent SSI/SSDI or SSI/SSR benefits are incorrectly garnished from the obligor's financial account, CSB is required to return those benefits to the obligor within five (5) business days.¹³

FORMS AND TOOLS

1. [Administrative Enforcement Matrix](#)
2. [Appeals Processing: How to Process Appeals in ISETS](#)
3. [Financial Institution Data Match \(FIDM\) Report](#)
4. [ISETS Income Withholding Complete Guide](#)

¹² 45 C.F.R. 303.2(c)

¹³ SSI stands for Supplemental Security Income; SSDI stands for Social Security Disability Insurance; SSR stands for Social Security Retirement; 45 C.F.R. § 307.11(c)(3)(ii); OCSE-PIQ-18-02
DCS IV-D Policy Manual/Chapter 12: Enforcement
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5. [OCSE-DCL-00-101](#): Financial Institution Data Match Handbook for State Agencies
6. [OCSE Financial Institution Data Match Freeze and Seize Interstate Processing](#)

FREQUENTLY ASKED QUESTIONS

1. Q. May the Title IV-D Prosecutor's Office issue, or request CSB issue, a FIDM IWO to a financial institution for an obligor's financial account that has not appeared on the FIDM report?
 - A. Yes, if the Title IV-D Prosecutor's Office determines that an obligor has an existing financial account, it may issue, or request CSB to issue, a FIDM IWO to the financial institution.
2. Q. If the FIDM payment is withheld from a joint account, or the obligor is listed as a secondary owner of the account, and the obligor contacts the Title IV-D Prosecutor's Office during the 25 day FIDM payment hold period to contest the FIDM withholding, should the Title IV-D Prosecutor's Office review the account information to whether the FIDM withholding is appropriate?
 - A. Yes, the Title IV-D Prosecutor's Office is strongly encouraged to review the account information and require the obligor to provide proof of the source of the funds being deposited into the account. If the Title IV-D Prosecutor's Office determines that the FIDM withholding amount should be adjusted to reflect only the obligor's funds in the account, it is strongly encouraged to inform CSB of the adjustment. The Title IV-D Prosecutor's Office may also request CSB to place an extended hold beyond the 25 day time frame if it requires additional time to review the obligor's funds in the account. Upon completion of its review of the obligor's account information, and notification to CSB of the adjusted FIDM withholding amount, CSB will return the adjusted FIDM funds of the other account holder to the financial institution.¹⁴

RELATED INFORMATION

The Indiana Code and Indiana Administrative Code establishes procedures to block or encumber an obligor's account with a financial institution by establishing a lien for child support on the account assets, as well as provide an administrative hearing based on an individual's request following the Title IV-D agency's action.¹⁵ However, actions to enforce an obligor's child support delinquency through payment from assets in the obligor's financial institution account are accomplished through the issuance of an IWO to the financial institution and not through the establishment of a lien.¹⁶ Therefore, these enforcement actions are subject to the same administrative hearing requirements as IWOs.¹⁷

Related Resources

1. Chapter 12: Enforcement, Section 2.1: Income Withholding Orders
2. Chapter 12: Enforcement, Section 6: Administrative Hearings

¹⁴ IC 28-9-3-4(d)(3)(C)

¹⁵ IC 31-25-4-31; 465 IAC 3-3

¹⁶ IC 31-25-4-31(o)

¹⁷ IC 31-16-15-3.5; 465 IAC 3-3; See Chapter 12: Enforcement, Section 2.1: Income Withholding Orders and Section 6: Administrative Hearings

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| REVISION HISTORY |
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| Version | Date | Description of Revision |
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| Version 1 | 11/01/2019 | Final Approved Version |
| Version 2 | 03/22/2021 | Updated for consistency with other parts of Section 2. Verified citations are correct. |