

	<b>INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL</b>	
	<b>Chapter 4: Temporary Assistance for Needy Families (TANF) Cases</b>	<b>Effective Date: 07/30/2020</b>
	<b>Section 3: Cooperation with the Title IV-D Prosecutor; Good Cause; Sanctions for Non-Cooperation</b>	<b>Version: 1.1 Revision Date: 07/29/2020</b>

**BACKGROUND**

This Section addresses the following:

1. The Division of Family Resources (DFR) may determine that a Temporary Assistance to Needy Families (TANF) applicant has good cause to not cooperate with the Title IV-D Prosecutor’s Office in establishing paternity or a child support order; and
2. Absent a finding of good cause, if an individual fails to cooperate with the Title IV-D Prosecutor’s Office, the individual is subject to sanctions of the TANF benefit.

**POLICY**

The DFR is required to refer to the Title IV-D Prosecutor’s Office “individuals in the family of a child, for whom paternity has not been established or for whom a child support order needs to be established, modified, or enforced”.<sup>1</sup> Individuals referred to the Title IV-D Prosecutor’s Office are required to cooperate in establishing paternity, or establishing, modifying, or enforcing a child support order.<sup>2</sup>

1. Good Cause to Not Cooperate

The DFR may find good cause for a person to not cooperate with establishing paternity and a child support order for any one (1) of the following reasons:

- a. The father of the child has been charged with an act of rape, incest, or child molest against the child’s mother which occurred within ten (10) months of the child’s birth;
- b. The child’s mother is deceased;
- c. The mother could not know the identity of the child’s father;
- d. The mother provides proof that the physical health or safety of the mother or child would be jeopardized if the mother complies; or
- e. The child is living in the home of a relative other than the mother of the child and the relative provides proof that the physical health or safety of the mother, relative, or child would be jeopardized if the relative complies.<sup>3</sup>

When an applicant makes a claim of good cause, DFR notifies the statewide child support system through the IV-A/IV-D interface. The Title IV-D Prosecutor’s Office receives notice that an applicant has made a claim of good cause via a worklist item in

<sup>1</sup> 45 C.F.R. § 264.30(a)(1)

<sup>2</sup> IC 12-14-7-2; IC 12-14-7-3; 45 C.F.R. § 264.30(a)(2)

<sup>3</sup> IC 12-14-2-24(b); 470 IAC 10.3-8-1(c)

the statewide child support system.<sup>4</sup> Upon receiving this notice, the Title IV-D Prosecutor's Office shall suspend activities to establish paternity and a child support order until the DFR makes a final determination of good cause.<sup>5</sup> When DFR makes the determination of whether that good cause exists for the applicant to not cooperate with the Title IV-D Prosecutor's Office, the statewide child support system receives notice through the IV-A/IV-D interface and a worklist item is created notifying the Title IV-D Prosecutor's Office of DFR's determination. The Title IV-D Prosecutor's Office shall not proceed on a case in which there has been a finding of good cause unless there has been a determination that support enforcement may proceed without the participation of the applicant.<sup>6</sup>

## 2. Cooperation with the Title IV-D Prosecutor's Office

The following actions demonstrate cooperation with the Title IV-D Prosecutor's Office:

- a. Responding to calls or correspondence;
- b. Appearing at an appointment in person or by telephone;
- c. Appearing at a court hearing when necessary;
- d. Providing information; or
- e. Affirming that the information requested is not known.<sup>7</sup>

If the child is residing with a non-parent caretaker, the non-parent caretaker shall make a good faith effort to cooperate with the DFR and Title IV-D Prosecutor's Office in providing any information regarding the paternity of the child, establishing a child support order, or enforcing a child support order.<sup>8</sup> Before determining that a non-parent caretaker is not making a good faith effort to cooperate, the Title IV-D Prosecutor's Office shall consider one or more of the following:

- a. Whether the person could reasonably be expected to provide the information;
- b. The age of the child;
- c. The circumstances surrounding the conception of the child;
- d. The age and mental capacity of the non-parent;
- e. The time since the person last had contact with the alleged father of the child, a parent of the child, or a relative of the alleged father or parent of the child;
- f. Any credible information that demonstrates an inability to provide correct information about an alleged father or parent due to the deception of the alleged father or parent; or
- g. Any other credible information obtained by the Title IV-D Prosecutor's Office that demonstrates the person has knowledge of information sought by the Title IV-D Prosecutor's Office.<sup>9</sup>

## 3. Sanction for Non-Cooperation

If the Title IV-D Prosecutor's Office determines an individual is not cooperating, and the individual does not qualify for a good cause or other exception, then the Title IV-D

---

<sup>4</sup> CSB-AT-187

<sup>5</sup> 45 C.F.R. § 302.31(b)

<sup>6</sup> 45 C.F.R. § 302.31(c)

<sup>7</sup> IC 12-14-2-24(f); IC 12-14-7-2(c); IC 12-14-7-3(d)

<sup>8</sup> IC 12-14-2-24(e); IC 12-14-7-2(b); IC 12-14-7-3(b); IC 12-14-7-3(c)

<sup>9</sup> IC 12-14-2-24(g); IC 12-14-7-2(d); IC 12-14-7-3(e)

Prosecutor's Office must promptly notify the DFR of the non-cooperation.<sup>10</sup> When an individual refuses to cooperate with the Title IV-D Prosecutor's Office, the individual is subject to sanctions, revocation, or suspension of TANF assistance.<sup>11</sup> Non-cooperation with the Title IV-D Prosecutor's Office is considered to have ceased when the Title IV-D Prosecutor's Office determines the individual is now cooperating.<sup>12</sup> The Title IV-D Prosecutor's Office shall notify the DFR that the individual is now cooperating.

## REFERENCES

- [IC 12-14-2-18](#): Revocation or suspension of assistance; sanctions
- [IC 12-14-2-24](#): Establishing paternity required; exceptions; revocation; good faith effort to cooperate required; presumption of good faith effort; other considerations
- [IC 12-14-7-2](#): Absence of support order; cooperate in obtaining order; good faith effort to cooperate required; presumption of good faith effort; other considerations
- [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 considerations
- [470 IAC 10.3-8-1](#): Sanctions for noncompliance with child support enforcement
- [CSB-AT-187](#): IV-A Client Non-Cooperation/Automated Sanction Process
- [CSB-AT-231](#): TANF Full Family Sanction
- [42 U.S.C. § 608](#): Prohibitions; requirements
- [45 C.F.R. § 264.30](#): What procedures exist to ensure cooperation with the child support enforcement requirements?
- [45 C.F.R. § 302.31](#): Establishing paternity and securing support
- [45 C.F.R. § 303.11](#): Case closure criteria

## PROCEDURE

The Title IV-D Prosecutor's Office must notify the local DFR any time a recipient fails to cooperate with establishing paternity or establishing, enforcing, or modifying a child support order. Notification is made through the IV-A/IV-D interface. Even though the DFR sanctions the recipient, the Title IV-D Prosecutor's Office should continue to work the case to the extent possible for the duration of time the recipient is still receiving TANF. If the case has been sanctioned to the point the applicant is no longer receiving TANF and the TANF case has closed, then the Title IV-D Prosecutor's Office may initiate case closure for non-cooperation.

## FORMS AND TOOLS

1. [Entering IV-D Sanctions into ISETS](#)
2. [Case Closure Complete Guide](#)

---

<sup>10</sup> 45 C.F.R. § 264.30(b)

<sup>11</sup> IC 12-14-2-18(c); 42 U.S.C. § 608(a)(2); 45 C.F.R. § 264.30(c); A sanction is a reduction in the TANF grant

<sup>12</sup> 470 IAC 10.3-8-1(b); CSB-AT-231

## FREQUENTLY ASKED QUESTIONS

N/A

## RELATED INFORMATION

When a TANF participant is not cooperating with the Title IV-D Prosecutor's Office, the Title IV-D Prosecutor's Office shall notify DFR through the IV-A/IV-D interface and not attempt to close the case for non-cooperation until such time as the case type is changed to a non-TANF case. Non-cooperation is only a proper case closure reason in non-TANF cases.<sup>13</sup>

## REVISION HISTORY

Version	Date	Description of Revision
Version 1	06/16/2015	Final Approved Version
Version 1.1	07/30/2020	Updated links and terminology

---

<sup>13</sup> 45 C.F.R. § 303.11(b)(11); See Chapter 17: Case Closure for more information  
DCS IV-D Policy Manual/Chapter 4: Temporary Assistance for Needy Families (TANF) Cases  
Section 3: Cooperation with the Title IV-D Prosecutor; Good Cause;  
Sanctions for Non-Cooperation