

IC 12-14-7

Chapter 7. Temporary Assistance for Needy Families; Child Support

IC 12-14-7-1

Assignment of support payment rights; eligibility for assistance

Sec. 1. If an applicant for assistance is entitled to child support or spousal support, the applicant shall, to be eligible for assistance and in compliance with federal regulations, assign the right to:

- (1) accrued;
- (2) present; and
- (3) pending support;

payments to the state agency responsible for administering Title IV-D of the federal Social Security Act.

As added by P.L.2-1992, SEC.8.

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

Sec. 2. (a) If the parents of a dependent child are:

- (1) separated or divorced; and
- (2) there is no court order for the support of the child;

the other parent shall cooperate, within federal regulations, with the state agency responsible for administering Title IV-D of the federal Social Security Act in obtaining a support order.

(b) If a child is residing with a nonparent guardian or custodian, the nonparent guardian or custodian shall make a good faith effort to cooperate with the division and any agency responsible for administering Title IV-D of the federal Social Security Act in obtaining and enforcing a child support order.

(c) The nonparent custodian or guardian is presumed to make a good faith effort under subsection (b) if the nonparent custodian or guardian does one (1) or more of the following:

- (1) Responds to telephone calls from a prosecuting attorney or correspondence from a prosecuting attorney.
- (2) Appears for an appointment, in person or by telephone, with a prosecuting attorney.
- (3) Appears at a court hearing when requested by a prosecuting attorney.
- (4) Does one (1) or more of the following:
 - (A) Provides information described in IC 12-7-2-43.5(b), to the extent the information is known.
 - (B) Affirms that the information described in IC 12-7-2-43.5(b) is not known.

(d) Before making a determination that the nonparent custodian or guardian is not making a good faith effort to cooperate, the prosecuting attorney shall consider one (1) or more of the following:

- (1) Whether the nonparent custodian or guardian could reasonably be expected to provide the information.

- (2) The age of the child for whom child support is being sought.
- (3) The circumstances surrounding the conception of the child.
- (4) The age and mental capacity of the nonparent custodian or guardian.
- (5) The time that has expired since the nonparent custodian or guardian has last had contact with:
 - (A) the alleged father of the child;
 - (B) a parent of the child; or
 - (C) a relative of the persons listed in clause (A) or (B).
- (6) Any credible information that demonstrates an inability to provide correct information about an alleged father or a parent of the child because of deception by the alleged father or parent.
- (7) Any other credible information obtained by the prosecutor that demonstrates the nonparent custodian or guardian has knowledge of the information sought by the prosecuting attorney.

As added by P.L.2-1992, SEC.8. Amended by P.L.80-2010, SEC.18.

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

Sec. 3. (a) If a child is born out of wedlock, the mother shall, when establishing the paternity of the child and obtaining a support order, cooperate with the state agency responsible for administering Title IV-D of the federal Social Security Act, in compliance with federal regulations governing Title IV-D of the federal Social Security Act.

(b) If a child is residing with a nonparent guardian or custodian, the nonparent guardian or custodian shall make a good faith effort to cooperate with the division and with any agency responsible for administering Title IV-D of the federal Social Security Act by providing any information known to the nonparent guardian or custodian regarding the potential paternity of the child.

(c) If a child is residing with a nonparent guardian or custodian, the nonparent guardian or custodian shall make a good faith effort to cooperate with the division and any agency responsible for administering Title IV-D of the federal Social Security Act in the establishment and enforcement of a child support order.

(d) The nonparent custodian or guardian is presumed to make a good faith effort under subsections (b) and (c) if the nonparent custodian or guardian does one (1) or more of the following:

- (1) Responds to telephone calls from a prosecutor or correspondence from a prosecuting attorney.
- (2) Appears for an appointment, in person or by telephone, with a prosecuting attorney.
- (3) Appears at a court hearing when requested by a prosecuting attorney.
- (4) Does one (1) or more of the following:
 - (A) Provides information described in IC 12-7-2-43.5(b), to the extent the information is known.

(B) Affirms that the information described in IC 12-7-2-43.5(b) is not known.

(e) Before making a determination that the nonparent custodian or guardian is not making a good faith effort to cooperate, the prosecuting attorney shall consider one (1) or more of the following:

(1) Whether the nonparent custodian or guardian could reasonably be expected to provide the information.

(2) The age of the child for whom child support is being sought.

(3) The circumstances surrounding the conception of the child.

(4) The age and mental capacity of the nonparent custodian or guardian.

(5) The time that has expired since the nonparent custodian or guardian has last had contact with:

(A) the alleged father of the child;

(B) a parent of the child; or

(C) a relative of the persons listed in clause (A) or (B).

(6) Any credible information that demonstrates an inability to provide correct information about an alleged father or a parent of the child because of deception by the alleged father or parent.

(7) Any other credible information obtained by the prosecuting attorney that demonstrates the nonparent custodian or guardian has knowledge of the information sought by the prosecuting attorney.

As added by P.L.2-1992, SEC.8. Amended by P.L.80-2010, SEC.19.

IC 12-14-7-4

Assignment of right to support payments; date effective; amount valid against; termination

Sec. 4. An assignment under section 1 of this chapter:

(1) becomes effective when an applicant becomes eligible to receive assistance;

(2) is valid up to the amount of assistance provided to a recipient that has not been reimbursed to the agency responsible for administering Title IV-A of the federal Social Security Act; and

(3) terminates:

(A) with respect to current support, at the end of a benefit period in which a recipient becomes ineligible to receive assistance; and

(B) with respect to accrued support, when all assistance received by the recipient on behalf of the recipient or on behalf of a child has been repaid.

As added by P.L.2-1992, SEC.8.