

45 CFR § 303.11 - Case closure criteria.

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- (a) The [IV-D agency](#) shall establish a system for case closure.
- (b) The [IV-D agency](#) may elect to close a case if the case meets at least one of the following criteria and supporting documentation for the case closure decision is maintained in the case record:
- (1) There is no longer a current support order and arrearages are under \$500 or unenforceable under [State](#) law;
 - (2) There is no longer a current support order and all arrearages in the case are assigned to the [State](#);
 - (3) There is no longer a current support order, the children have reached the age of majority, the noncustodial parent is entering or has entered long-term care arrangements (such as a residential care facility or home health care), and the noncustodial parent has no income or assets available above the subsistence level that could be levied or attached for support;
 - (4) The noncustodial parent or alleged father is deceased and no further action, including a levy against the estate, can be taken;
 - (5) The noncustodial parent is living with the minor child (as the primary caregiver or in an intact two parent household), and the [IV-D agency](#) has determined that services are not appropriate or are no longer appropriate;
 - (6) Paternity cannot be established because:
 - (i) The child is at least 18 years old and an action to establish paternity is barred by a statute of limitations that meets the requirements of [§ 302.70\(a\)\(5\)](#) of this chapter;
 - (ii) A genetic test or a court or an administrative process has excluded the alleged father and no other alleged father can be identified;
 - (iii) In accordance with [§ 303.5\(b\)](#), the [IV-D agency](#) has determined that it would not be in the best interests of the child to establish paternity in a case involving incest or rape, or in any case where legal proceedings for adoption are pending; or
 - (iv) The identity of the biological father is unknown and cannot be identified after diligent efforts, including at least one interview by the [IV-D agency](#) with the recipient of services;
 - (7) The noncustodial parent's location is unknown, and the [State](#) has made diligent efforts using multiple sources, in accordance with [§ 303.3](#), all of which have been unsuccessful, to locate the noncustodial parent:
 - (i) Over a 2-year period when there is sufficient information to initiate an automated locate effort; or
 - (ii) Over a 6-month period when there is not sufficient information to initiate an automated locate effort; or
 - (iii) After a 1-year period when there is sufficient information to initiate an automated locate effort, but locate interfaces are unable to verify a Social Security Number;
 - (8) The [IV-D agency](#) has determined that throughout the duration of the child's minority (or after the child has reached the age of majority), the noncustodial parent cannot pay support and shows no evidence of support potential because the parent has been institutionalized in a psychiatric facility, is incarcerated, or has a medically-verified total and permanent disability. The [State](#) must also determine that the noncustodial parent has no income or assets available above the subsistence level that could be levied or attached for support;
 - (9) The noncustodial parent's sole income is from:

(i) Supplemental Security Income (SSI) payments made in accordance with sections 1601 *et seq.*, of title XVI of the [Act](#), [42 U.S.C. 1381 et seq.](#); or

(ii) Both SSI payments and either Social Security Disability Insurance (SSDI) or Social Security Retirement (SSR) benefits under title II of the [Act](#).

(10) The noncustodial parent is a citizen of, and lives in, a foreign [country](#), does not work for the Federal government or a company with headquarters or [offices](#) in the United [States](#), and has no reachable domestic income or assets; and there is no Federal or [State](#) treaty or reciprocity with the [country](#);

(11) The [IV-D agency](#) has provided location-only services as requested under [§ 302.35\(c\)\(3\)](#) of this chapter;

(12) The non-IV-A recipient of services requests closure of a case and there is no [assignment](#) to the [State](#) of medical support under [42 CFR 433.146](#) or of arrearages which accrued under a support order;

(13) The [IV-D agency](#) has completed a limited service under [§ 302.33\(a\)\(6\)](#) of this chapter;

(14) There has been a finding by the [IV-D agency](#), or at the option of the [State](#), by the responsible [State](#) agency of good cause or other exceptions to cooperation with the [IV-D agency](#) and the [State](#) or local assistance program, such as IV-A, IV-E, Supplemental Nutrition Assistance Program (SNAP), and [Medicaid](#), has determined that support enforcement may not proceed without risk of harm to the child or caretaker relative;

(15) In a non-IV-A case receiving services under [§ 302.33\(a\)\(1\)\(i\)](#) or (iii) of this chapter, or under [§ 302.33\(a\)\(1\)\(ii\)](#) when cooperation with the [IV-D agency](#) is not required of the recipient of services, the [IV-D agency](#) is unable to contact the recipient of services despite a good faith effort to contact the recipient through at least two different methods;

(16) In a non-IV-A case receiving services under [§ 302.33\(a\)\(1\)\(i\)](#) or (iii) of this chapter, or under [§ 302.33\(a\)\(1\)\(ii\)](#) when cooperation with the [IV-D agency](#) is not required of the recipient of services, the [IV-D agency](#) documents the circumstances of the recipient's noncooperation and an action by the recipient of services is essential for the next step in providing IV-D services;

(17) The [responding agency](#) documents failure by the [initiating agency](#) to take an action that is essential for the next step in providing services;

(18) The [initiating agency](#) has notified the responding [State](#) that the initiating [State](#) has closed its case under [§ 303.7\(c\)\(11\)](#);

(19) The [initiating agency](#) has notified the responding [State](#) that its intergovernmental services are no longer needed;

(20) Another assistance program, including IV-A, IV-E, SNAP, and [Medicaid](#), has referred a case to the [IV-D agency](#) that is inappropriate to establish, enforce, or continue to enforce a child support order and the custodial or noncustodial parent has not applied for services; or

(21) The IV-D case, including a case with arrears assigned to the [State](#), has been transferred to a Tribal [IV-D agency](#) and the [State IV-D agency](#) has complied with the following procedures:

(i) Before transferring the [State](#) IV-D case to a Tribal [IV-D agency](#) and closing the IV-D case with the [State](#):

(A) The recipient of services requested the [State](#) to transfer the case to the Tribal [IV-D agency](#) and close the case with the [State](#); or

(B) The [State IV-D agency](#) notified the recipient of services of its intent to transfer the case to the Tribal [IV-D agency](#) and close the case with the [State](#) and the recipient did not respond to the notice to transfer the case within 60 calendar days from the date notice was provided;

(ii) The [State IV-D agency](#) completely and fully transferred and closed the case; and

(iii) The [State IV-D agency](#) notified the recipient of services that the case has been transferred to the Tribal [IV-D agency](#) and closed; or

(iv) The Tribal [IV-D agency](#) has a [State-Tribal](#) agreement approved by OCSE to transfer and close cases. The [State-Tribal](#) agreement must include a provision for obtaining the consent from the recipient of services to transfer and close the case.

(c) The [IV-D agency](#) must close a case and maintain supporting documentation for the case closure decision when the following criteria have been met:

(1) The child is eligible for health care services from the Indian Health Service (IHS); and

(2) The IV-D case was opened because of a [Medicaid](#) referral based solely upon health care services, including the Purchased/Referred Care program, provided through an Indian Health Program (as defined at [25 U.S.C. 1603\(12\)](#)).

(d) The [IV-D agency](#) must have the following requirements for case closure notification and case reopening:

(1) In cases meeting the criteria in paragraphs (b)(1) through (10) and (b)(15) and (16) of this section, the [State](#) must notify the recipient of services in writing 60 calendar days prior to closure of the case of the [State's](#) intent to close the case.

(2) In an intergovernmental case meeting the criteria for closure under [paragraph \(b\)\(17\)](#) of this section, the responding [State](#) must notify the [initiating agency](#), in a [record](#), 60 calendar days prior to closure of the case of the [State's](#) intent to close the case.

(3) The case must be kept open if the recipient of services or the [initiating agency](#) supplies information in response to the notice provided under paragraph (d)(1) or (2) of this section that could lead to the establishment of paternity or a support order or enforcement of an order, or, in the instance of [paragraph \(b\)\(15\)](#) of this section, if contact is reestablished with the recipient of services.

(4) For cases to be closed in accordance with [paragraph \(b\)\(13\)](#) of this section, the [State](#) must notify the recipient of services, in writing, 60 calendar days prior to closure of the case of the [State's](#) intent to close the case. This notice must also provide information regarding reapplying for child support services and the consequences of receiving services, including any [State](#) fees, cost recovery, and distribution policies. If the recipient reapplies for child support services in a case that was closed in accordance with [paragraph \(b\)\(13\)](#) of this section, the recipient must complete a new application for IV-D services and pay any applicable fee.

(5) If the case is closed, the former recipient of services may request at a later date that the case be reopened if there is a change in circumstances that could lead to the establishment of paternity or a support order or enforcement of an order by completing a new application for IV-D services and paying any applicable fee.

(6) For notices under paragraphs (d)(1) and (4) of this section, if the recipient of services specifically authorizes consent for electronic notifications, the [IV-D agency](#) may elect to notify the recipient of services electronically of the [State's](#) intent to close the case. The [IV-D agency](#) must maintain documentation of the recipient's consent in the case [record](#).

(e) The [IV-D agency](#) must retain all [records](#) for cases closed in accordance with this section for a minimum of 3 years, in accordance with [45 CFR 75.361](#).

[[81 FR 93564](#), Dec. 20, 2016, as amended at [85 FR 35207](#), June 9, 2020]