

	<b>INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL</b>	
	<b>Chapter 12: Enforcement</b>	<b>Effective Date: 07/23/2021</b>
	<b>Section 4.3: Professional, Occupational, and Gaming Licenses and Permits</b>	<b>Version: 1.1 Revision Date: 07/23/2021</b>

**BACKGROUND**

Federal law requires all States have laws requiring procedures to withhold, suspend, or restrict professional and occupational licenses of individuals owing overdue child support.<sup>1</sup> A professional and occupational license or permit listed in this policy may be suspended or otherwise sanctioned for failure to pay child support by processes initiated by the Title IV-D agency through:

1. Administrative action; or
2. Less commonly, through a court order issued to the appropriate licensing authority.

1. Administrative Actions

Indiana issued professional and occupational licenses eligible for Title IV-D ordered sanctions, based on a finding of child support delinquency, include licenses, registrations, and permits issued by the following Indiana state agencies:

- a. Indiana Department of Insurance (DOI);
- b. Indiana Gaming Commission;
- c. Indiana Horse Racing Commission;
- d. Indiana Alcohol and Tobacco Commission (ATC); and
- e. Boards under the Indiana Professional Licensing Agency (PLA).

If a license is sanctioned through an administrative action, an obligor may not seek relief from the sanction in the Courts until all administrative remedies have been exhausted.<sup>2</sup>

The Title IV-D agency does not have the authority to order the Indiana Department of Education (DOE) or Indiana Supreme Court Disciplinary Commission to take action on an obligor’s teacher or attorney license following a finding of a child support delinquency; instead the Title IV-D agency may send a notice of the obligor’s delinquency to those licensing authorities requesting they take action.

2. Judicial Actions

In Indiana, State law provides for the Court’s ability to suspend a delinquent obligor’s licenses issued by the following agencies:

- a. ATC;
- b. DOI;
- c. Indiana Supreme Court Disciplinary Commission;
- d. DOE;

<sup>1</sup> 42 U.S.C. § 666(a)(16)

<sup>2</sup> *Martin v. Monroe County Plan Commission*, 660 N.E.2d 1073 (Ind. Ct. App. 1996)

- e. Indiana Gaming Commission;
- f. Indiana Horse Racing Commission; and
- g. Boards under PLA.<sup>3</sup>

If a license is suspended or otherwise sanctioned by order of the Court, only the Court may issue a stay of ordered sanctions.<sup>4</sup>

## POLICY

When an obligor has an arrearage of at least \$2,000.00 or is past due three (3) months of court ordered child support on a case, regardless of whether or not the order is for current support or arrears only, the Title IV-D Prosecutor's Office may initiate administrative or judicial proceedings to issue sanctions against the obligor's professional or occupational license or permit with the appropriate licensing entity.<sup>5</sup>

See a full list of professional and occupational licensing agencies and boards in the Forms and Tools section below.

## REFERENCES

- [IC 7.1-3-18-9](#): Employee's permit
- [IC 25-1-1.2](#): Effect of Delinquency in Child Support Payments on Licensed or Registered Persons
- [IC 27-1-15.6](#): Insurance Producers
- [IC 27-1-15.8](#): Surplus Lines Producers
- [IC 27-10-3](#): Licensure and Registration
- [IC 31-16-12-8](#): Suspension or denial of delinquent person's professional license
- [IC 31-16-12-9](#): Suspension of delinquent person's horse racing commission or gaming commission license
- [IC 31-16-12-10](#): Suspension, denial, or nonrenewal of delinquent person's insurance, recovery, or bail agent's license
- [IC 31-16-12-11](#): Payment of arrearage; stay of order to licensing authority
- [IC 31-16-12-13](#): Suspension, denial, or nonrenewal of delinquent person's employee's permit
- [IC 31-25-4-2](#): "Delinquent"
- [IC 31-25-4-32](#): Finding obligor delinquent; notice; order to suspend driving privileges; licenses and permits; sanctions
- [IC 31-25-4-34](#): Duty of Title IV-D agency after finding of delinquency
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [45 C.F.R. § 303.2](#): Establishment of cases and maintenance of case records
- [Martin v. Monroe County Plan Commission](#), 660 N.E.2d 1073 (Ind. Ct. App. 1996)

## PROCEDURE

<sup>3</sup> IC 31-16-12-8; IC 31-16-12-9; IC 31-16-12-10; IC 31-16-12-13

<sup>4</sup> IC 31-16-12-11

<sup>5</sup> IC 31-16-12-8; IC 31-16-12-10; IC 31-16-12-13; IC 31-25-4-2; IC 31-25-4-32(a)

## 1. Administratively Initiated Sanction

Administrative suspension of professional/occupational licenses is less automated than the Bureau of Motor Vehicles (BMV) driver's license and Department of Natural Resources (DNR) license suspensions due to the lack of a direct interface between the Child Support Bureau (CSB) and professional/occupational licensing authorities.

Administrative suspension of professional/occupational licenses is a manual process initiated at the discretion of the Title IV-D Prosecutor's Office. When an obligor is delinquent and holds a license or permit issued by DOI, the Indiana Gaming Commission, the Indiana Horse Racing Commission, ATC, and Boards under PLA the following happens:

### a. Notice of Intent (NOI) to Suspend or Revoke Professional, Occupational or Recreational License

To formally initiate administrative license sanctions against a delinquent obligor's professional or occupational license, the Title IV-D Prosecutor's Office sends a Professional License Notice of Intent (Professional License NOI) to the obligor at the obligor's last known address of record.<sup>6</sup> In this instance, the Title IV-D agency uses the last known MAIL address on file in the statewide child support system. The Professional License NOI is produced manually through the document generation program in the statewide child support system.

If the obligor maintains eligible licenses through multiple licensing authorities, a separate Professional License NOI should be sent to the obligor for each licensing authority.

The Professional License NOI includes the following information:

- i. Statement that the obligor is delinquent;<sup>7</sup>
- ii. Statement of the arrearage;<sup>8</sup>
- iii. Statement that the Title IV-D agency shall issue an order to the appropriate licensing authority that the obligor's licenses shall be subject to sanctions, including suspension or revocation of licenses, unless the obligor does one of the following:
  - a) Pays the arrearage in full;
  - b) Establishes a payment plan with the Title IV-D Prosecutor's Office which includes an income withholding order (IWO); or
  - c) Requests a hearing in writing within 20 days.<sup>9</sup>
- iv. The procedure for contesting an action to administratively suspend the obligor's license;<sup>10</sup>
- v. Statement that the only basis for contesting the suspension is a mistake of fact;<sup>11</sup> and

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<sup>6</sup> IC 31-25-4-32(a); IC 31-25-4-32(l)

<sup>7</sup> IC 31-25-4-32(a)(1)

<sup>8</sup> IC 31-25-4-32(a)(2)

<sup>9</sup> IC 31-25-4-32(a)(3); IC 31-25-4-32(a)(7)

<sup>10</sup> Chapter 12: Enforcement, Section 6: Administrative Hearings

<sup>11</sup> IC 31-25-4-32(a)(6)

- vi. The procedures for avoiding license suspension or license denial by payment of arrears in full or by establishing a payment plan with the Title IV-D Prosecutor's Office.<sup>12</sup>

b. Payment Plan

At any time in the license suspension process, the obligor may establish a payment plan with the Title IV-D Prosecutor's Office. This includes during the pendency of an administrative appeal. The Title IV-D Prosecutor's Office may have a uniform payment plan proposal or may propose payment plans on a case-by-case basis. It is strongly encouraged that the payment plan be in writing. A note shall be entered into the statewide child support system documenting the terms of the payment plan.<sup>13</sup> The ultimate goal of the payment plan is not to penalize the obligor but is to provide consistent child support payments to families.

c. Order to the Licensing Authority (PLA Boards and Commissions, DOI, Indiana Gaming Commission, Indiana Horse Racing Commission, and ATC)

If any of the following occur, then the Title IV-D agency issues an order to the appropriate licensing authority (except for attorney and teaching licenses):

- i. The obligor does not pay the arrearage in full;
- ii. The obligor does not establish a payment plan;
- iii. The obligor does not request an appeal hearing;
- iv. The obligor requests an appeal which results in a delinquency finding; or
- v. The obligor requests an appeal hearing and then fails to appear.<sup>14</sup>

The order is produced manually by the Title IV-D agency through the document generation program in the statewide child support system. The order to the licensing authority shall state that the obligor is delinquent and directs the licensing authority to impose appropriate required sanctions.<sup>15</sup>

d. Reinstatement

The Title IV-D Prosecutor's Office may initiate a request to reinstate an administratively sanctioned license or permit on their own or following a request by the obligor. This process is subject to prosecutorial discretion. The Title IV-D Prosecutor's Office should initiate a request to stay administrative sanctions against a license or permit when:

- i. The arrears balance is paid in full;
- ii. A payment plan is established with the Title IV-D Prosecutor's Office; or
- iii. The case closes to Title IV-D services.

When a payment plan is established and an IWO is implemented, the Title IV-D Prosecutor's Office should initiate the request to reinstate an administratively sanctioned license or permit. The Title IV-D Prosecutor's Office may wish to consider past compliance with previously established payment plans when

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<sup>12</sup> IC 31-25-4-32(a)(8)

<sup>13</sup> 45 C.F.R. § 303.2(c)

<sup>14</sup> IC 31-25-4-32

<sup>15</sup> IC 31-25-4-32(h); IC 31-25-4-34(c)

considering the appropriate timing for initiating a request to reinstate a license or permit.

The Title IV-D Prosecutor's Office may initiate reinstatement of the license or permit by contacting the CEU. CEU then forwards to the appropriate licensing authority a notice informing the licensing authority that the child support delinquency has been addressed.

e. Notification of Delinquency and Request to the Indiana Supreme Court Disciplinary Commission or DOE

After a Professional License NOI has been issued to a delinquent obligor with an attorney's or teacher's license and the obligor does not pay the arrearage in full, establish a payment plan, or request an appeal hearing in response to the Professional License NOI, the Title IV-D Prosecutor's Office issues a notice and request for action to the appropriate professional license issuer (the Indiana Supreme Court Disciplinary Commission for licensed attorneys or DOE for licensed teachers).

This notice is manually created by the Title IV-D Prosecutor's Office and shall inform the licensing authority of the obligor's child support delinquency and request action to secure payment.

Unlike other professional licenses and permits listed in this Section, the provisions under the Indiana Supreme Court Disciplinary Commission and DOE regulations do not require the licensing authority to take any specific disciplinary action based on a notification of child support delinquency.

## 2. Judicial Suspension

Indiana Code also provides for a judicial suspension process that Title IV-D Prosecutor's Offices may alternatively utilize for a delinquent obligor's licenses and/or permits issued by the following Indiana State agencies:

- a. ATC;
- b. DOE;
- c. DOI;
- d. Indiana Supreme Court Disciplinary Commission;
- e. Indiana Gaming Commission;
- f. Indiana Horse Racing Commission; and
- g. Boards under PLA.<sup>16</sup>

Unlike the administrative process for suspending or otherwise sanctioning a delinquent obligor's professional license, the judicial process provides for the Court's authority to order DOE and the Indiana Supreme Court Disciplinary Commission to suspend teacher and attorney licenses.

Other parties to a child support case as well as the Court may utilize the judicial license suspension process.

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<sup>16</sup> IC 31-16-12-8; IC 31-16-12-9; IC 31-16-12-10; IC 31-16-12-13

a. Petition

The Title IV-D Prosecutor's Office may file a petition with the Court stating the obligor has an arrearage of at least \$2,000.00 or is past due three (3) months of court ordered child support, regardless of whether or not the order is for current support or arrears only, as a result of an intentional violation of a support order. This petition may be filed as an individual motion, or be part of another motion, such as a rule to show cause, felony non-support, etc. The Court may also find the obligor delinquent and order a license suspension without a petition filed by the Title IV-D Prosecutor's Office.<sup>17</sup>

b. Court Order to Professional License Issuer

If the Court finds the obligor has an arrearage of at least \$2,000.00 or is past due three (3) months of court ordered child support, regardless of whether or not the order is for current support or arrears only, the Court shall issue an order to the professional license issuer.<sup>18</sup>

The order shall include the following provisions:

- i. That the person's license or permit be suspended until further order of the Court;<sup>19</sup> or
- ii. That the license issuer shall not issue a license or permit to the obligor if the person does not currently hold one.<sup>20</sup>

For professional licenses issued by DOI or for permits issued by the ATC, the Court may instead issue an order directing the licensing authority to not renew an existing license.<sup>21</sup>

c. Stay of Court Ordered Sanctions (Judicial Reinstatement)

A Court may stay its order to the licensing authority if the obligor has paid the arrearage in full or has entered into a payment plan that includes an IWO.<sup>22</sup> In the case of a judicial suspension only, the Title IV-D Prosecutor's Office should file a motion requesting the Court issue an order to the professional licensing authority to stay the suspension of the obligor's professional license when:

- i. The obligor enters into a payment plan that includes an IWO; or
- ii. The arrears balance is paid in full.

An obligor may also file a request for a stay of court ordered sanctions directly with the Court.

A Court may only order reinstatement of judicially ordered license suspensions ordered within the Court's jurisdiction. When an obligor's professional license is

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<sup>17</sup> IC 31-16-12-8; IC 31-16-12-9; IC 31-16-12-10; IC 31-16-12-13

<sup>18</sup> IC 31-16-12-8; IC 31-16-12-9; IC 31-16-12-10; IC 31-16-12-13

<sup>19</sup> IC 31-16-12-8; IC 31-16-12-9; IC 31-16-12-10; IC 31-16-12-13

<sup>20</sup> IC 31-16-12-8; IC 31-16-12-10; IC 31-16-12-13

<sup>21</sup> IC 31-16-12-10; IC 31-16-12-13

<sup>22</sup> IC 31-16-12-11

also suspended administratively or is suspended by another county's judicial order (such as for a different child support case with a delinquency), an obligor's license remains suspended until reinstatement requirements are met and reinstatement ordered under all current suspension orders.

<b>FORMS AND TOOLS</b>
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<b>LICENSE OR PERMIT</b>	<b>ISSUED BY</b>	<b>DEFINITION OR REQUIREMENTS FOUND IN</b>	<b>SANCTION</b>
<b>Employee's Permit to be a Bartender, Waiter, Waitress, or Manager in a retail establishment</b>	Alcohol & Tobacco Commission	IC 7.1-3-18-9(a)(3)	IC 31-25-4-32(a)(5)(H)
<b>License for Insurance Producers</b>	Department of Insurance	IC 27-1-15.6	IC 31-25-4-32(a)(5)(G)
<b>License for Surplus Line Producers</b>	Department of Insurance	IC 27-1-15.8	IC 31-25-4-32(a)(5)(G)
<b>License for Bail Agent and Recovery Agent</b>	Department of Insurance	IC 27-10-3	IC 31-25-4-32(a)(5)(G)
<b>Indiana Gaming Commission Licenses</b>	Indiana Gaming Commission	IC 4-33 and IC 4-35	IC 31-25-4-32(a)(5)(E)
<b>Indiana Horse Racing Commission Licenses</b>	Indiana Horse Racing Commission	IC 4-31-6	IC 31-25-4-32(a)(5)(F)
<b>License, Certificate, Permit, or Registration Issued by a Board of the Professions listed in Figure 1</b>	Professional Licensing Agency	IC 25-1-1.2	IC 31-25-4-32(a)(5)(A)

**Figure 1 - Professions with Suspendable Licenses Under IC 25-1-1.2**

Accountancy	Genetic Counselors	Pharmacy
Acupuncture	Health Facility Administrators	Physical Therapy
Addiction Counselors	Hearing Aid Dealers	Physician Assistant
Architects & Landscape Architects	Home Inspectors	Plumbing
Athletic Trainers	Interior Design	Podiatric Medicine
Auctioneers	Manufactured Home Installers	Private Investigator & Security Guard
Barbers	Marriage & Family Therapists	Psychology
Behavioral Health & Human Services	Massage Therapy	Real Estate
Chiropractors	Physicians & Osteopathic Physicians	Real Estate Appraisers
Cosmetology & Barber	Mental Health Counselors	Respiratory Care
Dentistry	Midwifery	Social Workers
Dieticians	Nursing	Speech Language Pathology & Audiology
Engineering	Occupational Therapy	Surveyors
Funeral & Cemetery	Optometry	Veterinary Medicine

**FREQUENTLY ASKED QUESTIONS**

1. Q. How does the Title IV-D Prosecutor’s Office or CSB know if an individual has a professional/occupational license subject to suspension or other sanction based on a child support delinquency?
  - A. The process for identifying licensure depends on the issuing agency. Most occupational/professional licenses can be verified through the Indiana’s PLA online search and verification tool at <https://mylicense.in.gov/EVerification/Search.aspx>. The PLA search and verification tool can be used for all PLA Board issued licenses as well as ATC permits. NOTE – the PLA search and verification tool also contains information on certain professional/occupational licenses that are not subject to suspension for delinquent child support, such as for librarians and nurse aides.

CSB provides information on delinquent child support obligors directly to the DOI that the agency uses to initiate action against DOI licenses.

For DOE, Indiana Supreme Court Disciplinary Commission, Indiana Gaming Commission and Indiana Horse Racing Commission licenses, verification of an obligor’s licensure would need to be sought through the respective agency.

**RELATED INFORMATION**

1. Chapter 12: Enforcement, Section 6: Administrative Hearings



<b>REVISION HISTORY</b>
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<b>Version</b>	<b>Date</b>	<b>Description of Revision</b>
Version 1	04/01/2019	Final approved version
Version 1.1	07/23/2021	Reviewed for consistency and updated citations