

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 138006, Sacramento, CA 95813-8006



August 22, 2000

CSS LETTER NO. 00-04

TO: ALL IV-D DIRECTORS
ALL DISTRICT ATTORNEYS
ALL COUNTY ADMINISTRATIVE OFFICERS

Reason for this Transmittal

- State Law or Regulation Change
 Federal Law or Regulation Change
 Court Order or Settlement Change
 Clarification requested by One or More Counties
 Initiated by DCSS

SUBJECT: THE FAMILY VIOLENCE INDICATOR AND NON-DISCLOSURE ORDER
POLICY

REFERENCE: FSD NO. 99-06, FSDIN NO. I-49-98

This letter is to inform counties that the Department has revised the policy regarding the Family Violence Indicator (FVI) set forth in FSD Letter No. 99-06. This policy was developed to facilitate the implementation of the Interim Federal Case Registry (IFCR). This letter sets forth new policy regarding obtaining non-disclosure orders and outlines the process Local Child Support Agencies (LCSA) must follow when the family violence notice is returned by the postmaster as undeliverable.

FVI Policy

Counties must, at a minimum, establish a FVI in the following circumstances:

- Good cause has been requested by an applicant or recipient of CalWORKs
- A party or custodial parent's child possesses a protective order
- A party has indicated to the Local Child Support Agency (LCSA) that he/she has a reason to believe that he/she or his/her children would be at increased risk of harm if information is released on his/her case

A FVI will remain in effect until the protected person indicates in writing that there is no longer a risk of harm. Please note that if another state or California county has placed a FVI on a member in common with your county, the Federal Case Registry is prohibited from releasing information on that member until the FVI is removed by all states/counties.

Universal Notification

Prior to the transmission of any data to the Interim Federal Case Registry (IFCR), counties must review their case and member records and determine if family violence is an issue. Therefore, counties must inform custodial and noncustodial parents about the disclosure of information in the context of child support enforcement and their right to non-disclosure of the information. **Counties are required to send out an expanded family violence notice that combines the FVI screening questions with other informational gathering elements to go forward with a non-disclosure order in situations where family violence is present and the member wants his/her information protected by an order.** Please also remember, when transferring intrastate cases, the new case management county must be informed of any non-disclosure order in existence and must honor that order. Attached to this letter is a cover letter and domestic violence questionnaire that counties should use to notify parties about their right to non-disclosure, the Ex Parte Application for Nondisclosure of Address and Order form to submit to the court, and follow up informational forms. These forms are also available in JetFORM. For more information about JetFORM, please call Kristy Johnson of the Child Support Statewide Systems Bureau, at (916) 263-3152.

An Order for Nondisclosure of Information (UIFSA) is required to prevent a custodial parent's name from appearing on interstate pleadings. The Ex Parte Application for Order for Nondisclosure of Address and Order (UIFSA) was developed by the California Judicial Council, and became available July 1, 1999 (Rule 1298.56 and 1298.56A). The Uniform Interstate Family Support Act (UIFSA) requires the address of the custodial parent to be included on interstate pleadings unless an order for non-disclosure is obtained (Family Code 4978). The Ex Parte Application form is located on the JetForm.ifd files diskette.

FVI Implementation

The family violence indicator policy must be implemented within 60 days of receiving this letter if counties have already transitioned to a consortia system. Counties transitioning to a consortia system in the future must have implemented the family violence indicator policy within 60 days after transition. The Child Support Services Letter No. 00-03 includes the allocation to counties for the cost of generating and mailing the family violence notices for those counties implementing in Fiscal Year 2000/2001.

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Undeliverable Notices

In instances where the right to non-disclosure letter and questionnaire initially sent to a CP or NCP is returned as undeliverable, the county must retain the undeliverable notification letter in the case file or document its undeliverable status in case history notes. Counties should not activate the FVI if a notice is returned as undeliverable. Upon contact with the CP/NCP and/or the verification of a correct mailing address, the county must send a new family violence notice and respond accordingly. The county should advise the CP/NCP that a FVI will be placed on him/her upon notification of a claim of risk as identified in FSD Letter No. 99-06. **Additionally, please note that a FVI is to be activated on all persons living with the protected person who is a party to his/her child support case or order.** Counties should also be aware of instances in which a party requesting a FVI is also a member in another case. In these situations, counties must research cross referenced cases and determine if a FVI is appropriate for other members as well.

We hope this information is helpful. If you have questions please contact Audrey King at (916) 657-3408.

Sincerely,

Edwina Young
Deputy Director
Program Division

Enclosures (9)