

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 419064, Rancho Cordova, CA 95741-9064



December 8, 2000

CSS LETTER NO. 00-09

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: FAMILY VIOLENCE INDICATOR/ NONDISCLOSURE ORDER POLICY
UPDATE

REFERENCE: CSS 00-04

Assembly Bill (AB) 1358 was signed into law by Governor Gray Davis on September 28, 2000, and took effect immediately. As a result of this new law, the nondisclosure order policy outlined in Child Support Services (CSS) letter 00-04 has changed.

Assembly Bill 1358 added language to Family Code Section 17212(b)(2), shown in *Italics* below, so that it now reads:

In no case shall information be released or the whereabouts of one party or the child disclosed to another party, or to the attorney of any other party, if a protective order has been issued by a court or administrative agency with respect to the party, a good cause claim under Section 11477.04 of the Welfare and Institutions Code has been approved or is pending, or the public agency responsible for establishing paternity or enforcing support has reason to believe that the release of the information may result in physical or emotional harm to the party or the child. *When a local child support agency is prohibited from releasing information pursuant to this subdivision, the information shall be omitted from any pleading or document to be submitted to the court and this subdivision shall be cited in the pleading or other document as the authority for the omission. The information shall be released only upon an order of the court pursuant to paragraph (6) of subdivision (c).*

As a result of this new legislation, identifying information must be omitted from court documents if one of the following exist: 1) a protective order has been issued; 2) a good cause claim is pending or approved; or 3) a local child support agency (LCSA) has reason to believe the release of personal identifying information may be harmful to a party in a child support case (for example, a violence concern has been raised in the Domestic

Violence Questionnaire or otherwise communicated to the LCSA).

The requirement, outlined in CSS letter 00-04, to obtain nondisclosure orders for parties who raise violence concerns on the Domestic Violence Questionnaire is no longer in effect. In circumstances where LCSAs have already screened their cases and parties have requested a nondisclosure order, the LCSA should inform them that new legislation passed and a nondisclosure order is no longer necessary. The department will provide suggested language for this notice under separate cover.

Due to AB 1358, LCSAs already on one of the interim consortia systems will have an additional 60 days from the date of this letter to implement the family violence policy outlined in CSS letter 00-04 and revised by this letter. Local child support agencies converting to an interim consortia system in the future will continue to have 60 days from the date of transition to a consortia system to implement the family violence policy. In order to implement the family violence policy, LCSAs must now use the revised cover letter and Domestic Violence Questionnaire (copies attached) to screen members. These revised forms have had nondisclosure order references removed and are available in JetFORM.

Please remember that the Ex Parte Application for Order for Nondisclosure of Address and Order (UIFSA) is still required in interstate pleadings. LCSAs should continue to obtain these nondisclosure orders as they have done in the past.

If you have additional questions, please contact Audrey King of my staff at (916) 464-5231.

Sincerely,

CAROLE A. HOOD
Chief Deputy Director

Enclosures

Date:

FSD Case No.:

Due to recent changes in federal and state law, the child support program must send child support computer records to the federal government. The federal government will give the information to the courts, child support agencies, and sometimes to the other parent of your child. If you or your child is a victim of domestic violence, we will tell the federal government and they will not give out your information without a court order.

If you think that giving out your information may cause physical or emotional harm to you or your child(ren), fill out the enclosed form and return it to our office immediately. You must fill out the form completely, especially Section II. If you do not return this form to us in 30 days from the date of this letter, we will give your case information to the federal government for release to authorized persons and/or agencies.

Mail the completed form to:

OR Drop by our office at:

If you or your child(ren) are not the victim of domestic violence you do not have to return this form. Please understand that your personal information is never given to the other party without a court order. The only exception is the filing of records or documents with the court in connection with certain court proceedings.

If you have any questions, the number to call is () -

Please have the above FSD case number and your social security number ready.

Local Child Support Agency Name

Office Use Only

CHILD SUPPORT DOMESTIC VIOLENCE QUESTIONNAIRE

NOTICE: If you do not complete and return this form, the federal government will release information about you or your child's whereabouts to other child support agencies, and possibly to the child's other parent.

Your name: _____

Case No.: _____

Other party's name: _____

SECTION I: Check the appropriate box for each of the questions.

1. Have you or a child in your care ever been a victim of domestic violence or child abuse committed by the other party to your child support case? Yes No
2. Have you ever obtained a restraining order, emergency protective order or stay away order against the other party to your child support case? Yes No

If "Yes", please attach a copy of this order and provide the following information:

County/State: _____ Court Case Number: _____

Expiration Date: _____

3. Do you or a child in your care receive public assistance? Yes No
- If "yes" do you want to claim "Good Cause" because of increased risk of physical, sexual, or emotional harm to you or your child, and request that the welfare department authorize that your support case be closed? Yes No

SECTION II: Only complete if any of your answers in Section I were "yes."

Please provide detailed domestic violence information including dates, times, places and witnesses (Attach additional pages if needed.)

SECTION III: Check the appropriate box, sign, date and return the form to the local child support agency.

- The disclosure of my address or other information identifying my location could be harmful to me or the child(ren) in my care. I am requesting that my address or other identifying information not be given to the other party in this case. This request for non-disclosure of information will remain in effect until I notify the local child support agency in writing, and the office that manages my case acknowledges that they have received my request. I understand that under federal law, an authorized person may submit a written request to the court which has jurisdiction to make or enforce child custody or visitation determinations. I will be notified in writing by the local child support agency if the court orders the release of information on my case.
- The disclosure of my address or other information identifying my location is not harmful to me or the child(ren) in my care. I understand this information will be made available to the federal government, courts, child support agencies and sometimes to the other parent of the child(ren).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.