



INDICATOR NAME:	Family Violence Indicator
SETTING CRITERIA:	<u>IV-D</u> -- Self-report (Written; supporting documentation required) Good Cause status (TANF) <u>IV-D & Non IV-D</u> -- Protection order or no-contact order Substantiated child abuse report
ELIGIBLE PEOPLE:	<u>People Directly Protected</u> -- Victims <u>Other Protected</u> -- All household members involved in the victim's ID child support cases or orders with the abuser (Automatic)
IMPACT:	Will send FV Indicator to the FCR Will prevent IV-D release of data on victim
DURATION:	Indefinite
REMOVAL CRITERIA:	Victim request (Written & notarized)
OVERRIDE:	In development/early draft available

Below are excerpts from two Idaho policy statements. The first concerns the confidentiality of data maintained by the State. Subsection U5.4.3 relays that one reason for denying the release of confidential information is the existence of a Family Violence (FV) Indicator for the subject of the data request. The second policy specifically outlines how to set the FV Indicator, and it also includes early notes regarding the State's approach to the override process.

IDAHO DRAFT POLICY (June 30, 1999)

U5. Confidentiality

The nature of CSS case work is such that staff have access to personal and financial information. This information is sensitive and personal and must remain confidential. It is the responsibility of CSS staff to ensure this information is only used to effectively manage cases.

U5.1 Policy Summary

All case records, electronic and hard copy, are confidential except general case information (see below). CSS staff have access to various resources[,] i.e. Department of Labor, Department of Transportation, credit reports. Any information obtained by staff in the process of:

- ☞ providing services on CCS cases[,]
- ☞ providing services under contract to CSS[,]
- ☞ establishing eligibility for assistance programs[,] or
- ☞ conducting investigations while administering any social programs[,]

must remain protected and confidential. Employees who violate this policy may be subject to disciplinary action, up to and including dismissal.

* * *

U5.3 General Case Information

General case information may be released to the CP, NCP or a designated person for either party if the case does not have an FV indicator. Information that may be released over the telephone or in person to either the CP, NCP or designee include:

- ☞ Case status
- ☞ Payment or balance information
- ☞ Court order information[.]

U5.3.1 Paternity Cases

Information on paternity cases will not be disclosed to anyone other than the CP and the AF (Alleged Father). The AF may authorize the release to someone other than himself. (See Disclosure of Information U5.2)

U5.4 Personal Information

Some information on the child may be released to the CP or NCP upon a telephone request, no other information will be released without a court order.

* * *

U5.4.3 Request for Information Denied

The case manager must deny any request for information when:

- Ⓢ a case contains the FV indicator.
- Ⓢ the case does not contain a[n] FV indicator, but the non requesting party did not authorize the release of information for a non legal action[.]
- Ⓢ the requested information is for a legal action but the non requesting party has provided information that would allow an FV indicator on the case[.]

The case manager must send the denial in writing to the party that requested the information (form ?). The case manager may forward any correspondence from either party. The correspondence should be sealed in an [sic] stamped envelope. The case manager will then address the envelope and mail the correspondence.

* * *

U5.5 Information Requiring a Court Order Request

If a CP/NCP is requesting any personal information on a case that contains a[n] FV indicator, the case manager must inform the CP/NCP that the information may only be released by an order from the court.

If a case manager is served with an order for release of information, he/she should forward the court order to the Central Office DAG.

* * *

Idaho -- Advance Policy (July 19, 1999)**U19 Family Violence****U19.1 Introduction**

Family Violence means the physical injury, sexual abuse or forced imprisonment or threat thereof to a spouse, former spouse, persons related by blood or marriage, persons who may reside or have resided together, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

If any person on a case is in danger or at risk of family violence, case information must be protected. Case related information is sent to the Federal Case Registry (FCR) for every case in ICSES. The FV (Family Violence) indicator on the ICSES case will follow the information to the FCR. The FCR will only release information on a case with a FV indicator through an override process.

U19.2 How to Determine the Family Violence Issue**U19.2.1 Assistance Cases**

The family violence issue will most often be identified by the benefits case manager. If Good Cause is claimed and approved for an assistance case, the case will also qualify for the FV indicator. If the assistance case does not qualify for Good Cause but either NCP or CP have claimed family violence, the case manager needs the same documentation as a non-assistance or RSO case.

U19.2.2 Non-Assistance Cases/RSO Cases

Non assistance and RSO (Receipting Services Only) cases may qualify for the FV indicator if either the NCP or the CP provides necessary documentation, which includes at least one of the following:

- (a) a protective order
- (a) a “no-contact” order
- (a) the person requesting FV provides a notarized statement with a third-party affidavit from sources such as police, medical professionals or locally-recognized battered victims shelters.

U19.3 When should an FV indicator be removed

The FV indicator should remain on a case until the party that claimed family violence provides a notarized statement to have it removed.

U19.4 Request for Information**U19.4.1 Request from NCP or CP**

No information will be released to any individual when a case contains a FV indicator. (See Disclosure of Information)

U19.4.2 Request to the FCR

If the FCR receives a request for information from another state on a person who has been identified with an FV indicator, the other state's request for information will be denied. The FCR:

- ⌘ prevents the disclosure of information on FV cases[;]
- ⌘ generates a notice to the requesting party that the information is prohibited, and the measures that may be taken to obtain information through the override process[;]
- ⌘ permits the disclosure of information in response to a court ordered [override] request[; or]
- ⌘ re-imposes the FV indicator immediately after responding to a court ordered [override] request[.]

U19.4.3 **Direct Request from Another State on an Idaho Case**

Information may be released to another state if the request is for the purpose of establishing, enforcing, or modifying an order for:

- ⌘ Child Support
- ⌘ Custody
- ⌘ Visitation[.]

The other state must be notified of the Family Violence issue. The case manager should ask that the other state protect the information per their family violence rules and procedures.

U19.4.4 **Idaho Request Information on Another State's Case**

U19.4.4.1 **Request Directly to the Other State**

Idaho may make a request for information directly to the state the party lives in. Each state has rules and procedures to handle the release of information on cases that contain an FV indicator. If the case manager is refused information from another state, the case manager will need to determine if an override process would be beneficial. The regional supervisor must authorize the override process.

U19.4.4.2 **Request to the FCR**

The FCR will deny any request for information on a party that has a[n] FV Indicator. Information that has been denied may only be obtained by court order. The case manager will need to determine if the override process would be beneficial. The regional supervisor must authorize the override process.

U19.5 **Override Process**

If the case manager and regional supervisor have determined that the override process would be beneficial, the following steps would need to be taken:

- ⌘ The regional contract attorney would need to petition the court for an order requesting the restricted information.
- ⌘ When the court order requesting the information has been entered, the case manager should refer the case to the SEU (Special Enforcement Unit) at central office.
- ⌘ The SEU case manager sends the court order to OCSE (Office of Child Support Enforcement) by overnight/certified mail.
- ⌘ OCSE will notify the requesting state by phone if the request is complete, incomplete or denied. If the paperwork is complete OCSE will send the court order to the FCR.
- ⌘ If the information is incomplete or denied for some reason, OCSE will notify the requesting state.
- ⌘ The FCR removes the FV indicator for a one time release of information and provides OCSE with the information. The FV indicator is then replaced on the person's file.
- ⌘ OCSE forwards the information to the SCR, and notifies the state that has placed the FV indicator on the case.
- ⌘ The SCR forwards the information to the court that ordered the release of the information.
- ⌘ The court will then decide if the information should be released to the attorney of record. If a court has determined that disclosure to any other person of that information could be harmful to the parent or the child, the court and its agents shall not make any such disclosure.
- ⌘ The contract attorney will provide the case manager with the released information or the denial for release.

Information that will be provided to the court via the SCR on an override depends on the purpose of the request.

- ⌘ If the request is for the purpose of custody or visitation enforcement, the court will receive the most recent address and place of employment on the parent or child.
- ⌘ If the request is necessary for the establishment of a child support order, the system will sift through the information and ensure that the information provided corresponds to the purpose for which the information is sought.

U19.5.1 Idaho SCR Receives OCSE Override Notice

Another state may make a request to OCSE for information on a person that lives in Idaho. The OCSE will notify Idaho when the override process has been approved and the information is released to the requesting state. OCSE will provide Idaho with the name of the state that requested the information and a contact person for that state.

When the SCR receives notice from OCSE, the case manager should notify the requesting state and provide circumstances of the family violence, if known. The case manager may also determine how the information will be used by the other state. The Idaho case manager should also send the Idaho CP/NCP a notice that information may have been given to the other party.

Materials

The form below has been developed for completion by a IV-D case participant. It authorizes the IV-D agency to release information to the individual(s) specifically identified on the form.

**State of Idaho
Department of Health and Welfare
Child Support Services**

Obligee: _____

Obligor: _____

Children: _____

Authorization for Release of Information

I, _____, authorize Child Support Services, to release any and all information in either oral or written form about this case to _____, who is my _____.

Relationship (Current Spouse, Attorney, etc.)

Information that may be released includes:

- general case status information
- payment information
- balance information
- the child's social security number and/or date of birth

This does not allow the release of any information that is determined to be confidential under state or federal law, or that is otherwise protected from disclosure by law.

This authorization shall remain in effect until I revoke the authorization in writing.

Signature

Materials

Idaho will use the form that follows to capture each request it receives for information maintained by the Agency. Page 1 of the form outlines the bases for the requester’s search for the information. Page 2 solicits personal information about the requester. This portion of the form operates in conjunction with the “Notice to Non-Requesting Party of Request for Disclosure of Information.” Relevant information supplied by the requester is forwarded to the subject of the request to give that person an opportunity to inform the Agency about potential harm related to the data’s release.

Idaho Child Support Services

REQUEST FOR INFORMATION

I swear that the statements contained on this form are true.

- I am a custodial parent requesting information about the other parent of our child(ren).
- I am the non-custodial parent requesting information about the other parent of our child(ren).
- I am the guardian of the child(ren).
- I am the attorney for either the non custodial or the custodial parent, as shown in the attached written documentation.
- I am the child requesting information about my parent.

Child(ren)’s name(s): _____

I am requesting information about:

Name (Please print) _____

Information Requested (please be specific) _____

I am requesting this information for the purpose of:

- Establishing, enforcing, or modifying an order for child support.
 - Child Support
 - Custody
 - Visitation
- Establishing paternity.
- Locating my parent.

I understand that I will not receive any information for at least 45 days. I also understand that after 45 days, I will either receive a denial for the request or be provided with the requested information.

Signature of Requester

Date Requested

Request for Information page 2

The person about whom you are requesting information will be notified of your request. A copy of page 1 of this request will be sent with the notice.

Fill out the following information about yourself. This information is for identification and communication with you. It will not be used for any other purpose. This page will not be sent with the notice to the person about whom you are requesting information.

Name _____

Street Address _____

City _____ State _____ Zip Code _____

Telephone Number:

(Home) _____

(Business) _____

Social Security Number or CSS Case Number _____

Return this completed form to:

Child Support Services
Regional address

Materials

The two forms that follow are used by the Agency to communicate with a person who has requested information about someone in an Idaho child support case or subject to an Idaho order. There are separate forms for the denial of the information and for the release of the requested data.

Idaho Child Support Services

**NOTICE TO NON-REQUESTING PARTY
of Request for Disclosure of Information**

Date: _____

Name: _____

Address: _____

City _____ State _____ Zip _____

Child Support Services has received a request for information concerning

_____ (Child's name)

you

from the district court

from _____

A copy of the court order requesting this information is enclosed

A copy of the request for information is enclosed

The reason stated for this request is for the purpose of:

Establishing, enforcing or modifying:

Child Support

Custody

Visitation

Establishing paternity

Location of a parent

The information released may include the following:

Your address

Your Social Security Number

Your employer's name and address

Your wages and benefits





Your assets

Notice to Non-Requesting Party, page 2

We are required to release this information

- to the requester
- to the court

unless CSS receives documentation of one of the following conditions **within 30 days** of the date of this notice.

-  A court has issued a protective order on your behalf against the requesting party.
-  A court has issued a no-contact order on your behalf against the requesting party.
-  The requesting party has been found to have committed child abuse against a child in your household.
-  A court has dismissed a petition for this information by this individual.

If you have no documentation for any of the circumstances above, but you feel you or your child would be at risk if this information was released, please provide a notarized statement regarding the risk this would cause.

Please send any documentation to the address listed below within 30 days of the date of this notice. **Failure to respond will result in the release of the information to the requesting party.**

If you have questions concerning this notice, please call (208) region # .

Child Support Services
Regional address

Idaho Child Support Services

DENIAL OF REQUESTED INFORMATION

Date: _____

Name: _____

Address: _____

City _____ State _____ Zip _____

You requested information about _____.

- The information you requested cannot be released to you because the information is not available to Child Support Services.
- The information you requested cannot be released to you because there is a disclosure risk indicator on your case.
- Other _____

If you disagree with this decision about your request for information, you may petition the district court for an order to release information.

If you have questions about this notice, please contact us at (209) region # _____ .

Child Support Services
Regional address

Child Support Services

RELEASE OF REQUESTED INFORMATION

You requested information as an authorized person. You stated that the information is requested solely for the purpose of:

- establishing paternity
- establishing, enforcing, or modifying an order for child support
- locating a parent

Here is the information you requested

Name: _____

Address: _____

SSN: _____

Employer Name _____

Employer Address _____

Wage amount & frequency: _____

You also requested the following information that is not available to Child Support Services

If you have any questions, please contact us at (208) regional #

Child Support Services

Regional Address

