INDICATOR NAME:	Disclosure Risk Indicator
SETTING CRITERIA:	IV-D & Non IV-D -- Protection order Founded child abuse allegation IV-D -- UIFSA nondisclosure finding by Iowa court or another State tribunal Prior court denial of requestor's search for data on the subject Good Cause status (Iowa's "A" or "C" categories, or comparable provisions in another State)
ELIGIBLE PEOPLE:	People Directly Protected -- Victims Others Protected -- Victim/abuser offspring in the victim's household (Automatic) All household members involved in the victim's IA child support cases or orders with the abuser (Automatic)
IMPACT:	Sends FV Indicator to the FCR Prompts greater State care regarding requests for victim's data Additional outcomes under consideration
DURATION:	Indefinite
REMOVAL CRITERIA:	Court order Additional removal policies under consideration
OVERRIDE:	State legislation with components of override process developed/ IV-D & court currently developing detailed process for use in conjunction with legislative provisions & Federal processes

The Iowa legislature has enacted two provisions related to the State's Disclosure Risk Indicator. The first provision -- Section 252B.9(3) -- sets out the possible bases for setting the indicator. The second provision -- Section 252B.9A -- outlines the general procedure for disclosing confidential information maintained by, or available to, the child support agency.

Iowa Code (DATE)
Section 252B.9(3)   **Confidentiality and Disclosure**

i.   If the unit receives notification under this paragraph, the unit shall notify the federal parent locator service as required by federal law that there is reasonable evidence of domestic violence or child abuse against a party or a child and that the disclosure of information could be harmful to the party or the child. The notification to the federal parent locator service shall be known as notification of a disclosure risk indicator. For purposes of this paragraph, the unit shall notify the federal parent locator service of a disclosure risk indicator only if at least one of the following applies:

(1)   The unit receives notification that the department, or comparable agency of another state, has made a finding of good cause or other exception as provided in section 252B.3, or comparable law of another state.

(2)   The unit receives and, through automation, matches notification from the department of public safety or the unit receives notification from a court of this or another state, that a court has issued a protective order or no contact order against a party with respect to another party or child.

(3)   The unit receives notification that a court has dismissed a petition for specified confidential information pursuant to section 252B.9A.

(4)   The unit receives notification that a tribunal has issued an order under chapter 252K, the uniform interstate family support act, or the comparable law of another state, that the address or other identifying information of a party or child not be disclosed.

(5)   The unit receives and, through automation, matches notification from the division of child and family services of the department, or the unit receives notification from a comparable agency of another state, of a founded allegation of child abuse, or a comparable finding under the law of the other state.

(6)   The unit receives notification that an individual has an exemption from cooperation with child support enforcement under a family investment program safety plan which addresses family or domestic violence.

(7)   The unit receives notification, as the result of a request under section 252B.9A, of the existence of any finding, order, safety plan, or founded allegation referred to in subparagraphs (1) through (6) of this paragraph.

Iowa Code (DATE)
Section 252B.9A   Disclosure of Confidential Information -- Authorized Person -- Court

1.   A person, except a court or government agency, who is an authorized person to receive specified confidential information under 42 U.S.C. s653, may submit a written request to the unit for disclosure of specified confidential information regarding a nonrequesting party. The written request shall comply with federal law and regulations and shall include a sworn statement attesting to the reason why the requester is an authorized person under 42 U.S.C. s653, including that the requester would use the confidential information only for purposes permitted in that section.

2.   Upon receipt of a request from an authorized person which meets all of the requirements under subsection 1, the unit shall search available records as permitted by law or shall request the information from the federal parent locator service as provided in 42 U.S.C. s653.

    a.   If the unit locates the specified confidential information, the unit shall disclose the information to the extent permitted under federal law, unless one of the following applies:

        (1)   There is a notice from the federal parent locator service that there is reasonable evidence of domestic violence or child abuse pursuant to 42 U.S.C. s653(b)(2).

        (2)   The unit has notified the federal parent locator service of a disclosure risk indicator as provided in section 252B.9, subsection 3, paragraph "i", and has not removed that notification.

        (3)   The unit receives notice of a basis for a disclosure risk indicator listed in section 252B.9, subsection 3, paragraph "i", within twenty days of sending a notice of the request to the subject of the request by regular mail.

    b.   If the unit locates the specified confidential information, but the unit is prohibited from disclosing confidential information under paragraph "a", the unit shall deny the request and notify the requester of the denial in writing. Upon receipt of a written notice from the unit denying the request, the requester may file a petition in district court for an order directing the unit to release the requested information to the court as provided in subsection 3.

3.   A person may file a petition in district court for disclosure of specified confidential information. The petition shall request that the court direct the unit to release specified confidential information to the court, that the court make a determination of harm if appropriate, and that the court release confidential information to the petitioner.

    a.   The petition shall include a sworn statement attesting to the intended use of the information by the petitioner as allowed by federal law. Such statement may specify any of the following intended uses:

        (1)   To establish parentage, or to establish, set the amount of, modify, or enforce a child support obligation.

        (2)   To make or enforce a child custody or visitation determination or order.

        (3)   To carry out the duty or authority of the petitioner to investigate, enforce, or bring a prosecution with respect to the unlawful taking or restraint of a child.

    b.   Upon the filing of a petition, the court shall enter an order directing the unit to release to the court within thirty days specified confidential information which the unit would be permitted to release under 42 U.S.C. s653 and 42 U.S.C. s663, unless one of the following applies:

Iowa Code (DATE)
Section 252B.9A   Disclosure of Confidential Information -- Authorized Person -- Court

      (1)   There is a notice from the federal parent locator service that there is reasonable evidence of domestic violence or child abuse pursuant to 42 U.S.C. s653(b)(2).

      (2)   The unit has notified the federal parent locator service of a disclosure risk indicator as provided in section 252B.9, subsection 3, paragraph "i", and has not removed that notification.

      (3)   The unit receives notice of a basis for a disclosure risk indicator listed in section 252B.9, subsection 3, paragraph "i", within twenty days of sending notice of the order to the subject of the request by regular mail. The unit shall include in the notice to the subject of the request a copy of the court order issued under this paragraph.

  c.   Upon receipt of the order, the unit shall comply as follows:

      (1)   If the unit has the specified confidential information, and none of the domestic violence, child abuse, or disclosure risk indicator provisions of paragraph "b" applies, the unit shall file the confidential information with the court along with a statement that the unit has not received notice that the domestic violence, child abuse, or disclosure risk indicator provisions or paragraph "b" apply. The unit shall be granted at least thirty days to respond to the order. The court may extend the time for the unit to comply. Upon receipt by the court of the confidential information under this subparagraph, the court may order the release of the information to the petitioner.

      (2)   If the unit has the specified confidential information, and the domestic violence, child abuse, or disclosure risk indicator provision of paragraph "b" applies, the unit shall file with the court a statement that the domestic violence, child abuse, or domestic relations indicator provision of paragraph "b" applies, along with any information the unit has received related to the domestic violence, child abuse, or disclosure risk indicator. The unit shall be granted at least thirty days to respond to the order. The court may extend the time for the unit to comply. Upon receipt by the court of information from the unit under this subparagraph, the court shall make a finding whether disclosure of confidential information to any other person could be harmful to the nonrequesting party or child. In making the finding, the court shall consider any relevant information provided by the parent or child, any information provided by the unit or by a child support agency, any information provided by the petitioner, and any other relevant evidence. The unit or unit's attorney does not represent any individual person in this proceeding.

      (a)   If the court finds that disclosure of confidential information to any other person could be harmful to the nonrequesting party or child, the court shall dismiss the petition for disclosure and notify the unit to notify the federal parent locator service of a disclosure risk indicator.

      (b)   If the court does not find that disclosure of specified information to any other person could be harmful to the nonrequesting party or child, the court shall notify the unit to file the specified confidential information with the court. Upon receipt by the court of the specified confidential information, the court may release the information to the petitioner and inform the unit to remove the disclosure risk indicator.

(3)   If the unit does not have the specified confidential information and cannot obtain the information from the federal parent locator service, the unit shall comply with the order by notifying the court of the lack of information.

4.   The confidential information which may be released by the unit to a party under subsection 2, or by the unit to the court under subsection 3, shall be limited by the federal Social Security Act and other applicable federal law, and the unit may use the sworn statement filed pursuant to subsections 1 or 3 in applying federal law. Any information filed with the court by the unit, when certified over the signature of a designated employee, shall be considered to be satisfactorily identified and shall be admitted as evidence, without requiring third-party foundation testimony. Additional proof of the official character of the person certifying the document or the authenticity of the person's signature shall not be required.

5.   When making a request for confidential information under this section, a party or petitioner shall indicate the specified information requested.

6.   For purposes of this section, "party" means party as defined in section 252B.9, subsection

7.   The unit may adopt rules pursuant to chapter 17A to prescribe provisions in addition to or in lieu of the provisions of this section to comply with federal requirements for parent locator services or the safeguarding of information.

Materials

Select portions of Iowa's October 1998 draft policy on the FV Indicator appear below. The State continues its work in this area, and expects to finalize the policy in the near future.

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RELEASE OF CONFIDENTIAL INFORMATION UNDER STATE AND FEDERAL PARENT LOCATOR SERVICE

Changes in federal and state law concerning the use of the State and Federal Parent Locator Services (SPLS and FPLS) require the release of confidential information under specific circumstances. This section defines the conditions which must be met for the release of information, and the safeguards which may prohibit release.

Areas covered under this section are:

♦ Disclosure Risk Indicator

♦ Request for Location Information (State and Federal Parent Locator Service)

♦ Procedures for Safeguarding Information (State and Federal parent Locator Service)

Disclosure Risk Indicators

Legal reference: 42 USC section 654(26), Iowa Code section 252B.9(i)

States must have safeguards in place to protect against the release of information from the State or Federal Parent Locator Service when there is a risk of harm to a parent or child from the release of such information. On ICAR the disclosure risk indicator (DRI) is the means by which workers are alerted that information must not be released under certain circumstances. Child support staff in other states or FPLS may call this indicator an "FVI" or family violence indicator. For when information can and cannot be released when there is a disclosure risk indicator on the case, see **Procedures for Safeguarding Information (State and Federal Parent Locator Service).**

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A disclosure risk indicator (DRI) is placed on an ICAR case when there is:

♦ A protective order against an individual on the case with respect to another person on the case.

♦ A founded allegation of child abuse against an individual on the case with respect to a child on the case.

♦ A good cause indicator of "A" or "C" on the case.

♦ An order by a court in Iowa that an address for an individual on the case not be disclosed for UIFSA purposes.

♦ A determination in another state that a disclosure risk comparable to any of the above risk indicators exists.

♦ A court order dismissing a petition for the information to the requester.

Note: All disclosure risk narratives, calendar flags and statuses are listed under the "CASE" process code.

Location of Disclosure Risk Indicators

Who the person at risk is determines in part where disclosure risk indicators are displayed on ICAR. If there is an indicator on the case, there will always be an indicator on the CASE screen. The indicator is located in the RISK field in the upper right-hand corner under the DATE and TIME fields.

The DRI on the CASE screen displays a victim code for each person identified (flagged) as a victim on the case. The victim codes on the CASE screen are:

♦ P1 for payor.

♦ PE for payee.

♦ CH for child.

Note: If the payee is flagged, all children on the case are also automatically flagged. If a child on the case is flagged, the payee and all other children on the case are automatically

flagged. This prevents someone from getting the address of the flagged person by requesting an FPLS search on someone else on the case who has the same address as the flagged person.

```
D479HC04      IOWA COLLECTION AND REPORTING SYSTEM        DATE:   05/08/98
                               -- CASE --                 TIME:   13:40:26
ICAR CASE NUMBER . . .:         IABC CASE NUMBER. .: RISK:    P1 PE  CH
FATHER UNKNOWN?. . .:           IABC CASE WRKR ID.:
                    LAST        FIRST          MIDDLE          SUF
PAYOR 1 NAME. . . . . . . .:    :              :              :
PAYOR IS APPLICANT?             HCDREF:    REASON:     DATE:

PAYOR 2 NAME . . . . . . . :    :              :              :
```

A "Y" in the RISK field located in the upper right hand corner of the PAYOR, PAYEE or CHILD screen tells you that this person is a victim (or lives with a victim). Confidential information for this person is subject to additional safeguards.

For more information about how to safeguard information, see **Procedures for Safeguarding Information (State and Federal Parent Locator Service).**

PAYOR

```
D479HC02      IOWA COLLECTION AND REPORTING SYSTEM        DATE: 05/08/98
                               -- PAYOR --                TIME: 13:37:50
CASE NUMBER . . . . . . :      PAYOR ID NUMBER . . :0        RISK (Y/N): Y
PAYOR RESIDES WITH PAYEE . . :  SEND HIQ:      EMP . . . . . :
NAME (LFMS) . . . . . . . :      :              :              :
SEX (F/M) . . . . . . . . . . . :            BANKRUPTCY (Y/N) AND CHAPTER:
SSN . . . . . . . . . . . . . . . .:          M.I.W. IN EFFECT.:    DATE SENT:
BIRTHDATE . . . . . . . . . :
```

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PAYEE

```
D479HC01            IOWA COLLECTION AND REPORTING SYSTEM        DATE: 05/08/98
                            -- PAYEE --                         TIME: 13:38:41
                                                               RISK (Y/N): Y
CASE NUMBER . . . . . . . :                    PAYEE ID NUMBER . :
NONCOOPERATION . . . :       GOOD CAUSE . . . . . :      CARETAKER? . . :
NAME (LFMS) . . . . . . . . . :          :              :              :
BANKRUPTCY (Y/N) AND CHAPTER:                  NPA REQUESTS MS ENF . :
MAIL ADDR LN 1 . . . . . . :
```

CHILD

```
D479HC06            IOWA COLLECTION AND REPORTING SYSTEM        DATE: 05/08/98
                            -- CHILD --                         TIME: 13:39:49
                                                               RISK (Y/N): Y
CASE NUMBER . . . . . . . . :                  FC IABC CASE NUMBER . . . . :
CHILD RESIDES WITH PAYEE . . . :               FACS ID . . . . . . . . . . . . . . . . . . :  XREF?:
B/C NO . . . . . :      -        REQT B/C:          CERT:          REQT PATAFF:
NAME (LFMS) . . . . . . . . . :                     :              :          :
```

RISK DETAIL UPDATE Screen

Information about disclosure risk indicators is located on the RISK DETAIL UPDATE screen. This screen displays information about the source of the indicator, the perpetrator or offender, and the victim or protected person.

There are also fields from which forms are generated when you receive a request for information from the state and federal parent locator services. For more information about requests for information and how to use these forms, see **Procedures for Safeguarding of Information (State and Federal Parent Locator Services).**

<p align="center">* * *</p>

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```
XXXXXXXX    IOWA COLLECTION AND REPORTING SYSTEM      DATE: 00/00/0000
                        RISK DETAIL UPDATE            TIME: 00/00/0000

        CASE #: 000000      DATA SOURCE:  XXXXXXXXXX   STILL AT RISK?:  X
                    LAST NAME/   FIRST NAME/   MIDDLE NAME/    SUF    SSN
                    BIRTH DATE   STATE ID      CASE ROLE
OFFENDER:           XXXXXXXX     XXXXXXX       XXXXXXXXXXX     XXX    00-000-0000
                    MM/DD/CCYY   XXXXXX        XXXXX
VICTIM:             XXXXXXXX     XXXXXXX       XXXXXXXXXXX     XXX    00-000-0000
                    MM/DD/CCYY   XXXXXX        XXXXX


PROTECTIVE ORDER EXP:     MM/DD/CCYY  CHILD ABUSE INTAKE:        MM/DD/CCYY

REQUEST RECEIVED DATE:    MM/DD/CCYY  REQUEST RECEIVED FROM:     XXXX
NON-REQUESTER NOTICE:     X           DATE FORM LAST GENERATED:  MM/DD/CCYY
NON-REQSTR RESPONSE:      X
INFO RELEASED?:           X           DATE INFO RELEASED:        MM/DD/CCYY
SEND STATUS TO:           XXXX  DATE INFO DENIED:                MM/DD/CCYY


COMMENTS:XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XX
PF2=ADD    RISK    PF3=MOD    RISK    PF7-FORWARD    PF8=BACKWARD    PF9=REFRESH
NEXT SCREEN:  XXXXXX
```

Worker Entry to the RISK DETAIL UPDATE Screen

When you receive documentation of a disclosure risk indicator reason, place a disclosure risk indicator on the victim in the case. To do this, access the RISK DETAIL UPDATE screen. If there is already a completed RISK DETAIL UPDATE screen for the case, use the PF9 key to refresh the screen and enter the new risk indicator information. If there are two different sources of information about a risk for an individual victim, there will be a RISK DETAIL UPDATE screen for each.

Complete the RISK DETAIL UPDATE screen fields as follows:

DATA SOURCE: [T]his field indicates the source of the disclosure risk indicator. Enter the source of your information in this field (e.g., Montana).

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🕷 If there is a good cause determination, protection order, or child abuse
   determination from another state, enter the state name as the data source and
   explain in the COMMENTS section described below.

🕷 If there is a protection order from an Iowa court that was not identified by the
   match program, enter PROTECTION in the DATA SOURCE field and explain
   in the COMMENTS field.

🕷 If there is a founded allegation of child abuse in Iowa that was not identified
   by the match program, enter ABUSE in the DATA SOURCE field and explain
   in the COMMENTS field.

🕷 If there is a court order dismissing a petition for the information to the
   requester, enter COURT in the DATA SOURCE field and explain in the
   COMMENTS field.

🕷 If there is an order from a court or tribunal that an address for an individual on
   the case not be disclosed for UIFSA purposes, enter UIFSA in the DATA
   SOURCE field and explain in the COMMENTS field.

🕷 If a parent locator request is received from an authorized individual, court, or
   county attorney; no DRI exists on ICAR yet; and CSRU is not aware of a
   reason for a DRI, enter REQUEST ONLY in the DATA SOURCE field and
   explain in the COMMENTS field. ICAR requires completion of the top half
   of the screen before allowing entry in the fields on the bottom half. Therefore,
   enter an "N" in the STILL AT RISK field after you have entered REQUEST
   ONLY in the DATA SOURCE field. Enter the offender and victim
   information in the fields below even though you don't have risk information at
   this point. This functionality in ICAR will be changed as soon as possible.

STILL AT RISK?: This field indicates whether there is an active disclosure risk
indicator on the case. Enter a "Y" in this field to activate a disclosure risk
indicator. Enter an "N" in this field if you have entered REQUEST ONLY in the
DATA SOURCE field.

* * *

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LAST NAME/BIRTH DATE: This column displays the last name of the offender and victim with each person's birth date below the name. Enter as much of this information as you know.

FIRST NAME/STATE ID: This column displays the first name of the offender and victim with each person's state ID below the name. Enter as much of this information as you know.

MIDDLE NAME/CASE ROLE: This column displays the middle name of the offender and victim with each person's ICAR case role (payee, payor, child) below the name. Enter as much of this information as you know.

SUF: This column displays any suffix such as "Jr." or "III." Enter as much of this information as you know.

SSN: This column displays the social security number of the offender and victim. Enter as much of this information as you know.

PROTECTIVE ORDER EXP: If the disclosure risk indicator reason is a protective order in another state, and you know the order end date, enter it in this field.

CHILD ABUSE INTAKE: If the disclosure risk indicator source is from a child abuse registry in another state, and the child abuse intake date is given, enter the date in this field. If an intake date is not provided, enter the information in the COMMENTS section.

When you enter the above information for protective orders or child abuse and press PF2 twice, ICAR enters disclosure risk indicators on the appropriate screens (CASE, PAYOR, PAYEE or CHILD) depending on the case role of the victim. For more information on indicator placement, see **Location of Disclosure Risk Indicators.** ICAR also issues a narrative (CASE 307, 308, or 309) giving information about the indicator placement.

PF2=ADD RISK: When you fill in the RISK DETAIL UPDATE screen to manually add a disclosure risk indicator to a case, press PF2 twice to add the indicator.

PF3=MOD RISK: When you make changes to the information displayed on the RISK DETAIL UPDATE screen, press PF3 twice to modify the screen.

PF7=FORWARD: To view more risk detail records for the case, press PF7.

PF8=BACKWARD: To go back through the risk detail records for the case, press PF8.

PF9=REFRESH: To enter information for a manual DRI when there is already a risk record on a case, press PF9 to refresh the screen for entry of additional screens of information.

System Entry to the RISK DETAIL UPDATE Screen

In order to safeguard information when the state has reason to believe that there is a risk of harm to someone on an ICAR case, ICAR data is compared to data from the Department of Public Safety's protective order file (code = DPS) and the Central Child Abuse Registry (code = ACFS).

When a **full** match between ICAR records and the records of DPS or ACFS is found, ICAR automatically puts an indicator on the case and fills in the RISK DETAIL UPDATE screen. ICAR also issues a narrative (CASE 301, 302, 303, or 305) stating that a risk indicator has been placed on the case because of information received, the source of the information, and on which party or child the indicator was placed.

Full match criteria are:

- The offender's social security number and name (last name and first 5 characters of the first name) match exactly with someone on an ICAR case, and the victim's last name and first five characters of the victim's first name match exactly with someone else on the same ICAR case.

- The offender's social security number and name (last name and first 5 characters of the first name) match exactly with someone on an ICAR case, and the victim's last name or first five characters of the victim's first name and the victim's social security number match exactly with someone else on the same ICAR case.

- The offender's social security number and date of birth match exactly with someone on an ICAR case, and the victim's last name or first five characters of the victim's first name match exactly with someone else on the same ICAR case.

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✦ The offender's social security number and date of birth match exactly with someone on the ICAR case, and the victim's last name or first five characters of the victim's first name and social security number match with someone else on the same ICAR case.

ICAR also places indicators on the payee and children automatically if the GOOD CAUSE indicator on the PAYEE screen is "A" or "C." When indicators are placed on the case because of good cause, ICAR issues a narrative (CASE 306) to record the placement.

When ICAR makes automatic entries to the RISK DETAIL UPDATE screen, the following fields are completed:

DATA SOURCE: This field indicates the source of the disclosure risk indicator (DRI). ICAR enters the following source codes:

✦ DPS indicates that the source is the Department of Public Safety protective order file.

✦ ACFS indicates that the source is the Central Child Abuse Registry.

✦ GOOD CAUSE indicates that the source is a good cause determination.

STILL AT RISK?: This field indicates whether there is an active disclosure risk indicator on the case. ICAR enters a "Y" in this field to activate a disclosure risk indicator.

LAST NAME/BIRTH DATE: This column displays the last name of the offender and victim with each person's birth date below the name (when a birth date is available). ICAR enters as much of this information as is available.

FIRST NAME/STATE ID: This column displays the first name of the offender and victim with each person's state ID below the name (when a state ID is available). ICAR enters as much of this information as is available.

MIDDLE NAME/CASE ROLE: This column displays the middle name of the offender and victim (when available) with each person's ICAR case role below the name. ICAR enters as much of this information as is available.

SUF: This column displays any suffix such as "Jr." or "III." ICAR enters as much of this information as is available.

SSN: This column displays the social security number of the offender and victim. ICAR enters as much of this information as is available.

PROTECTIVE ORDER EXP: If the disclosure risk indicator source is DPS, ICAR enters the protective order end date in this field.

CHILD ABUSE INTAKE: If the risk indicator source is ACFS, ICAR enters the child abuse intake date in this field.

<p style="text-align:center">* * *</p>

Removal of a Disclosure Risk Indicator

Legal Reference: Iowa Code sections 252B.9(i) and 252.B9A(3)

Currently the only time CSRU removes a disclosure risk indicator is when CSRU receives a court order to remove it. When a court orders CSRU to remove a disclosure risk indicator (DRI) from an ICAR case, access the RISK DETAIL UPDATE screen for that case. Enter an "N" in the STILL AT RISK? field and press PF3 twice. ICAR displays a user-input narrative (CASE 310, 311, or 312) for you to complete giving the reason that the DRI was removed.

Request for Location Information (State and Federal Parent Locator Service)

Legal Reference: 42 USC section 654(8), Iowa Code section 252B.9(3)(d)

Authorized persons may request certain confidential information from the state and federal parent locator services. Who may request this information, the information that may be requested, and what purposes the information may be requested are explained in this section:

🕷 Authorized Persons
🕷 Authorized Purposes

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    ☣ Authorized Information
    ☣ Protected Sources
    ☣ Disclosure Risk[.]

<div align="center">* * *</div>

Disclosure Risk

Legal reference: 42 USC sections 654(26)(B) and (C), Iowa Code section 252B.9(3)(i)

Even if all other conditions for the release of confidential information are met, there may be a disclosure risk which prohibits the release of the information to certain authorized persons. Disclosure risks are conditions which point to a possibility of harm to the non-requester if the information is released to the requester.

<div align="center">* * *</div>

Procedures for Safeguarding of Information (State and Federal Parent Locator Service)

When there is a disclosure risk indicator on the case for a person about whom information is requested, the information must be safeguarded. How confidential information is safeguarded depends on who has requested the information. Follow the procedures in this section for requests from:

☣ Authorized individuals.
☣ Another states' [sic] IV-D child support agency.
☣ Another division of the Iowa Department of Human Services.
☣ Orders from a court.
☣ A county attorney.

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Request from an Authorized Individual

Legal reference: 42 USC section 654(8), Iowa Code sections 252B.9A, and 622.1

In this manual the term "authorized individual" is used to mean a certain kind of "authorized person" who is not a government agency or court.

* * *

A request for information from an authorized individual is only valid for the following purposes:

- Establishing paternity.
- Establishing, enforcing or modifying child support.

* * *

Whenever possible, when you receive a request for information, verify that:

- The requester is not a person with a current, on-going obligation to pay child support for the child.
- The child is not receiving FIP or TANF (FIP equivalent in another state) benefits.

If a IV-D request is for information on a case where the child is receiving public assistance from FIP or its equivalent in another state, the . . . [person is not an authorized individual]. Deny the request. If the child was <u>not</u> on FIP at the time of the request but <u>is</u> on FIP at the time you are actually dealing with the request, deny the request.

* * *

Request Requirements

Legal reference: Iowa Code sections 252B.9A, and 622.1, 45 CFR 303.70

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When an authorized individual makes a request for confidential information, that request must be in writing and must state:

- Why the requester is authorized to receive the information.
- What specific information is being requested.
- For what purpose the information is requested, and that the information will be used solely for that purpose.
- That the requester certifies, under penalty of perjury, pursuant to the laws of the state of Iowa, that the preceding statements are true and correct. Alternatively, the written request may be notarized.

For an FPLS search, the following information shall also be included, if known:

- Whether the person about whom information is requested is or has been a member of the armed services.
- Whether the person about whom information is requested is receiving, or has received any federal compensation or benefits.

You may also generate a blank copy of form 470-3497, *Request for Child Support Information* to give to the requester. This is not a required form, but it does ask for all of the required information and it may simplify the process of explaining the required information. This form is available on-line through FORMOSEL or through FORMLIST if a case does not exist on ICAR.

When a written request is submitted and accepted, inform the requester that the non-requester will be sent a notice about the request, along with a copy of the request itself.

Request Does Not Meet Requirements

When you receive a request for information from an authorized individual, check that it meets all of the requirements (see **Request Requirements**). If it is not a written request, explain that the request must be in writing. If the request is in writing, but does not meet the requirements, return it to the requester and explain the additional information needed.

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Request is Complete

If the request from an authorized individual meets all of the requirements, check to see if CSRU has the information requested. If CSRU does not have the information, run an FPLS check.

If there is a case on ICAR, check the case for the conditions for release.

Check for Disclosure Risk Indicator

Check for disclosure risk indicators on the non-requesting party (see **Location of Disclosure Risk Indicators**).

If you find a disclosure risk indicator on the non-requesting party, deny the request for information.

To deny the request, access the RISK DETAIL UPDATE screen by pressing PF11 from the CASE, PAYOR, PAYEE or CHILD screen. Enter an "N" in the NON-REQUESTER NOTICE field. Enter an "N" in the INFO RELEASED? field. PF3 twice. ICAR displays a narrative (CASE 324) for you to complete. ICAR then displays form 470-3500, *Denial of Requested Information*, for you to complete and generate. After you have generated the form, ICAR displays a narrative (CASE 328) for your completion to document that the request is denied and why. ICAR displays the current date in the DATE INFO DENIED field.

If you do not find a disclosure risk indicator on the non-requesting party, check to see if all of the information came from a protected source. For more information about protected sources, see **Check for Protected Source**.

If some or all of the information does not come from a protected source, complete and generate form 470-3499 *Notice to Non-requesting Party*, and send it with a copy of the request by regular mail to the non-requesting party.

* * *

The non-requester has 20 days to respond and inform you of a disclosure risk before you release the information to the requester.

* * *

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If the notice is returned undeliverable, make other reasonable efforts to contact the non-requester. **Note:** Reasonable efforts to locate the non-requester may include:

- Post office address verification.
- Auto-locate sources.
- Sending the notice by certified mail.
- FPLS query.

If the non-requester cannot be contacted, complete and generate form 470-3500, *Denial of Requested Information*, and send it to the requester by regular mail.

* * *

If the non-requester contacts you and gives documentation of a disclosure risk, complete and generate form 470-3500, *Denial of Requested Information*, and send it to the requester by regular mail. Place a DRI on the person (see **Worker Entry to the RISK DETAIL UPDATE screen**).

Acceptable documentation of a disclosure risk when the request is made by an authorized individual is:

- A copy of a protective or no-contact order. **Note:** Even an **expired** protective or no-contact order is a reason for a disclosure risk indicator.
- A copy of a court order dismissing a petition for the information to the requester.
- A copy of a court order that the non-requesting party's address not be disclosed for UIFSA purposes.

Note: There are other proofs of a disclosure risk when the requester is not an authorized individual.

If the non-requester contacts you and tells you that there are none of the disclosure risks listed in the *Notice to Non-Requesting Party*, but that the non-requester has reason to fear the requester, tell the non-requester that the non-requester has 10 days to file for a protective order or otherwise provide documentation of a disclosure risk. If the non-requester shows proof of filing for a protective order, complete and generate form 470-3500, *Denial of Requested Information*, and sent it to the requester by regular mail.

* * *

If the non-requester contacts you and tells you that there is no disclosure risk and no reason for a disclosure risk indicator, and if none of the information is from a protected source, complete and generate form 470-3501, *Release of Requested Information*, and send it to the requester by regular mail.

* * *

If the non-requester does not respond within 25 days, the notice is not returned, and none of the information is from a protected source, complete and generate form 470-3501, *Release of Requested Information*, and send it to the requester by regular mail. Enter an "N" in the NONREQSTR RESPONSE field. PF3 twice. A narrative (CASE 326) displays indicating that the non-requester has not responded.

* * *

Request from Another State's IV-D Child Support Agency for State and Federal Parent Locator Service

Legal Reference: 42 USC section 653(c)(1)

Non-IV-D (location only) requests are handled by Central Registry. IV-D (public assistance and non-public assistance ICAR cases for which CSRU provides establishment and enforcement services) cases are handled by the local offices.

The following are the only authorized reasons for another IV-D agency to request information:

- Establishing paternity.
- Establishing, enforcing or modifying child support.

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If you receive a request for confidential information from the IV-D agency in another state, check to see if the information is available on ICAR.

If the information is not available, inform the other state.

If the information is available on ICAR, check to see if it comes from a protected source. If all of the information comes from a protected source, check to see if the information may be released for the purpose for which it is requested (see **Protected Source**). If not, inform the requesting state that the information cannot be released and why.

If some or all of the information is not from a protected source, or can be released for the reason for which it is requested, check for a disclosure risk indicator on the case (see **Disclosure Risk**). If there is no disclosure risk indicator, release the information which may be released. If there is a disclosure risk indicator, release the information, but inform the requesting state of the risk. Narrate that the information was sent, and that the other state was informed of the disclosure risk.

When a request for information comes from another state's agency, do not notify the non-requester.

* * *

Order from a Court

Legal reference:
42 USC sections 653 and 663, Iowa Code sections 252B.9A(3) and 252B.9(3)(f)

The information that can be released to a court varies with the purpose for the court order. If a court orders the release of information for visitation or custody, the court may only order the release of address information.

The court may order the release of any information which an authorized person may request (see **Authorized Information**) for the purposes of:

- Establishing paternity.
- Establishing, enforcing or modifying child support.

Note: Documents filed with the court become public record. If at any point in the following process, the judge orders that you release the information in spite of confidentiality safeguards against release, you have the following options: appeal the decision, file a motion to quash, or give the information to the court in a sealed envelope with written or verbal cautions on the record about disclosure prohibitions.

When you receive an order from an Iowa district court to release confidential information, contact the CSRU attorney. The attorney must examine the order to determine if it complies with federal or state law for disclosure of information.

If the order <u>does not</u> comply with federal or state law for release of confidential information, the court must be informed of the conflict.

If the order <u>does</u> comply with legal requirements:

🕷 Record the order. . . .

* * *

🕷 Check to see if CSRU has the information.
🕷 Run an FPLS check if CSRU does not have the information. Also run an FPLS check for a disclosure risk indicator if ICAR does not have a DRI (on FPLS or may be called a family violence indicator -- FVI).

Set a calendar flag for 20 days to check for a response from FPLS. If you have not received a response in that time, ask the court for a continuance.

🕷 Generate and send for 470-3499, *Notice to Non-requesting Party*, with a copy of the order to the non-requesting party.

* * *

If the non-requester does not respond:

🕷 Enter an "N" in the NON-REQSTR RESPONSE field. Press PF3 twice. ICAR issues narrative (CASE 326) indicating that the non-requester did not respond.
🕷 Check the case for disclosure risk indicators.

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    🕷 If the information came from a protected source determine whether the information can be used for the purpose for which it is requested.

<div align="center">* * *</div>

    🕷 If the information <u>can</u> be used for the purpose for which it is requested, but there is a disclosure risk indicator, inform the court of the risk.

The court may make a determination of harm.

    🕷 If the court determines that there <u>is not</u> a risk of harm, it may also order you to release the information. Release the information to the court. * * *

    🕷 If the court determines that there <u>is</u> a risk of harm, note that determination by narrating it on the case, and in the COMMENTS field on NARRCASE. If the FPLS check showed a family violence indicator and the court determined there was a risk of harm and dismissed the petition, place a disclosure risk indicator on the victim in the case.

<div align="center">* * *</div>

    🕷 If the information cannot be used for the requested purpose and there <u>is no</u> disclosure risk indicator, inform the court of the conflict with law.

    🕷 If the information cannot be used for the requested purpose and there <u>is</u> a disclosure risk indicator, inform the court of both.

The court may insist on the release of the information in spite of the conflict with law, and may make a determination of harm.

    🕷 If the court determines that there <u>is not</u> a risk of harm, it may also order you to release the information. Release the information to the court in a sealed envelope with written or verbal cautions on the record about disclosure prohibitions. Enter a "Y" in the INFO RELEASED? field and enter "PE" or "P1" in the SEND STATUS TO field. Press PF3 twice. Clear out of form 470-3501 (do not send the release form to the court). A user-input narrative issues (CASE 327) for the worker to indicate why the information was released. State that the form was not generated because the information was given directly to the court. State also that "the court was advised that this information is from a protected source." A narrative (CASE 329 or 330) issues indicating that a status was sent to the non-requester (person about

whom the information was requested). A user-input status displays (CASE 46 or 47) for the worker to enter the reason the information was released. ICAR enters the current date in the DATE INFO RELEASED field.

☣ If the court determines that there <u>is</u> a risk of harm, note that determination by narrating it on the case, and in the COMMENTS field on NARRCASE. If the FPLS check showed a family violence indicator but there was no disclosure risk indicator on ICAR and the court determined there was a risk of harm and dismissed the petition, place a disclosure risk indicator on the victim in the case.

* * *

The non-requester may respond with documentation of a reason for a disclosure risk indicator. Enter a "Y" in the NON-REQSTR RESPONSE field. Press PF3 twice. A narrative (CASE 325) displays for the worker to enter the response information.

* * *

If the non-requester responds with documentation of a reason for a disclosure risk indicator, place a disclosure risk indicator on the victim in the case as described in **Worker Entry to the RISK DETAIL UPDATE Screen.**

☣ Check to see if the information came from a protected source.
☣ If the information did not come from a protected source or the information from a protected source can be used for the requested purpose, inform the court of the disclosure risk indicator.

The court may make a determination of harm.

* * *

☣ If the information came from a protected source and cannot be used for the requested purpose, inform the court of the conflict and of the disclosure risk indicator.

The court may insist on the release of the information in spite of the conflict with law, and may make a determination of harm.

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     🕷   If the court determines that there is <u>not</u> a risk of harm, it may also order you to release the information. Release the information to the court in a sealed envelope with written or verbal cautions on the record about disclosure prohibitions.

<p align="center">* * *</p>

     🕷   If the court determines that there <u>is</u> a risk of harm, note that determination by narrating it on the case, and in the COMMENTS field on NARRCASE. If the court dismisses the petition, place this domestic risk indicator on the victim in the case.

<p align="center">* * *</p>