# VERMONT

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| **INDICATOR NAME:** | Family Violence Red Flag |
| **SETTING CRITERIA:** | <u>IV-D</u><br>Good Cause request or status (TANF)<br><br><u>IV-D & Non IV-D</u> --<br>Self-report (Written & sworn; documentation required for NCP and continued protection subject to cooperation)<br>Nondisclosure order<br>Protective order |
| **ELIGIBLE PEOPLE:** | <u>People Directly Protected</u> --<br>Victims<br><br><u>Others protected</u> --<br>All household members involved in the victim's VT child support cases or orders with abuser (Automatic) |
| **IMPACT:** | Sends FV Indicator to the FCR<br>Results in victim's case file(s) being identified as protected<br>Omits victim's address/identifying data from court forms (with an order)<br>Prompts notice to court about safety concerns |
| **DURATION:** | Indefinite |
| **REMOVAL CRITERIA:** | Victim request (Written) |
| **OVERRIDE:** | In development/early draft available |

*Materials*

*Included below is a proposal for Vermont's family violence data element. In addition to outlining the bases for the indicator, this document also sets out the projected impact that the various tasks will have on child support staff. The final page of the proposal is dedicated to the State's initial plans for the override process.*

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**Domestic Violence Proposal**
**(7/13/99)**

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**How would the indicator be set?**

There are 3 ways a case would be flagged as domestic violence:

1. Protective Order matched against the active protective order registry (system set based on interface);
2. A findings [sic] has occurred -- either granted waiver, non-disclosure order, or on registry cases the court order indicates it (both system set by IV-A interface and manually set by staff); or
3. A signed affidavit from the Custodial Parent (CP) -- primarily in Non-Public Assistance (NPA) cases (manually set by staff).

Once this is programmed, a list of the red flags with a notice about not releasing the address would be obtained for caseworker review to determine if an affidavit needs to be sent to the CP in those cases.

Also, an e-mail message would be sent to ALLOCS to set flag in cases that need an [sic] Family Violence (FV) red flag. Caseworkers would probably know their caseloads and be able to identify those cases needing this flag.

When the FV flag is set, the system will automatically generate a notice to the custodial parent advising them we will safeguard their identifying information but cannot guarantee their safety. This will also inform them the flag remains set until they write to OCS stating there is no longer a need to safeguard this information. It also states we will continue our customary enforcement activities (that are not limited by not sharing information) but they will be notified prior to OCS filing court action.

**What indicator would be set?**

There are 3 indicators that would be set in these instances:

1. The red flag "FV" would be set manually by an individual except in cases of Public Assistance (PA) waivers (those would be set automatically based on the IV-A coop code);

2. The case file would be labeled with a sticker (once the FV red flag is set the system could generate a message to the File Maintenance Unit of the Records Center (FMU) to mark the file with the FV sticker and staple instructions on information sharing to the green folder); and

3. The Federal Case Registry (FCR) "FV" indicator would be set (this would be set automatically by the system based on the red flag).

**How would that impact current operations?**

There are a few minor impacts to current operations.  The identified impacts are:

✤    The FV indicator on the FCR means no matching is done on that person.  This limits the amount of information we receive from that source -- <u>minimal</u> impact as it would mainly be on the CP.

✤    The case file would be marked in some way and instructions stapled inside the front of the green folder.  This would assist the workers when preparing for court.  It's a heads up to carefully consider what information can be shared -- <u>minimal</u> impact except as needed.

✤    The download forms would print with no CP address, employer, phone numbers, Social Security Number (SSN), or child SSN.  When the FV flag was present, a Form 924C for NPA would be printed as well as a cover letter to the court with the CP address for serving the action and advising the court of the FV issue and to safeguard the CP information.  This would safeguard any identifying information -- <u>minimal</u> impact except for the start-up programming and a delay of 30 days for the CP to respond.

✤    Allow the CP to close the case based on domestic violence issues.  PA CP would have to get a granted waiver.  NPA CP could change to registry only if wage withholding was in order.  If could not close, [send a] letter to CP stating [that you] cannot stop wage withholding.  The CP must file a miscellaneous affidavit specifying their request to stop wage withholding with the court.

✤    Except for those instances above, it would be business as usual with the awareness there is a domestic violence issue.  We could develop protocol for courts in these instances as necessary.

**What impact does this have on staff?**

The impact on staff is minimal.  The Records Center staff would have to mark these FV cases and staple an instruction sheet to the inside cover.  This could delay filing action on NPA cases if the CP doesn't send back the Form 924C for us to continue without delay.  Since we will not solicit this information but only act on information disclosed to us, it should be a small number of cases.

All staff will be given procedures.  These procedures will include:

✤    Documents necessary to set the FV red flag,
✤    Affidavit for NPA CP disclosure,
✤    Instructions for sharing information in the case file, and
✤    Helpful hints for court processes (i.e., detain NCP while CP leaves through alternate exit, do not leave the parties alone together, etc.).

**How would this be distributed to staff?**

This would be distributed to the staff through training and procedures.  Along with distribution to the staff, OCS Family Violence Committee would work with court personnel to coordinate efforts for:

✤    court processes,
✤    expedited process to stop a wage withholding order when CP wants to close, and
✤    processes for obtaining information on non-disclosure cases where necessitated by court filings of another party.

**Miscellaneous Information:**

Caseworkers have the authority to determine it is unsafe to proceed in extreme cases.  If the CP is insistent that OCS still proceed, a letter should be written to the CP outlining our concerns and our inability to ensure their safety.

**Liability to OCS:**

We feel the committee has kept an eye on liability while developing this proposal.  Here are ways we feel our liability is reduced:

- We send a notice to CP once the FV is set letting this [person] know we cannot guarantee their safety.
- We would program the system to warn of FV as well as mark the hard case file.
- We would safeguard information from the Federal Case Registry.
- We would notify the court of the FV issue.
- We would not print identifying information on court forms.
- We would warn the CP prior to taking court action.
- We would require documentation from the CP before removing the FV indicator.

**Manual Override Requests for the FPLS**
**(Draft 7/13/99)**

1. These requests would be made to the State Parent Locator Service (SPLS) based on an order by the court.  This could be in the form of an entry or docket order.  However, if the court prefers, OCS can draft a form for this type of request.

2. Once the order is received, the SPLS would send an inquiry to the Federal Case Registry (FCR)[.] * *
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3. Once this information is received from the FCR it would be given to the court with specific attachments and in a specific way.  This information needs special handling due to its confidential nature.

   a.   This information would be sent directly to the judge or magistrate that ordered the information and marked personal and confidential.

   b.   OCS would request this information be sealed if kept in the court records.

   c.   A packet [of] information would be provided to the judge or magistrate.  The information included in this packet follows.

   ●   The cover letter to the judge or magistrate requesting this information be sealed before placing [it] into the court records.

   ●   The address information that was requested.  This would be marked confidential.

   ●   The agency that set the family violence indicator on the FCR.  If that agency is OCS, we will include the documentation used to set the indicator (e.g., waiver request, protective order, etc.)

   ●   The federal statute on safeguarding the information.

4. A copy of the cover letter sent to the judge or magistrate would be sent to the agency that set the family violence indicator.  The agency could then notify the person who carried the family violence indicator of the request for information.  If we set the indicator, we would notify our customer of the request for information to allow them to forward to the court any information necessary to help in the decision to disclose.

5. If the decision is to disclose the information to the requestor, the Court would notify the person who carried the family violence indicator of that decision as well as the agency that set the that [sic] indicator.