

**CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES**

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



April 24, 2009

CSS LETTER: 09-04

ALL IV-D DIRECTORS  
 ALL COUNTY ADMINISTRATIVE OFFICERS  
 ALL BOARDS OF SUPERVISORS

<u>Reason for this Transmittal</u>
<input type="checkbox"/> State Law or Regulation Change
<input type="checkbox"/> Federal Law or Regulation Change
<input type="checkbox"/> Court Order or Settlement Change
<input type="checkbox"/> Clarification requested by One or More Counties
<input checked="" type="checkbox"/> Initiated by DCSS

SUBJECT: REQUEST AND AUTHORIZATION FOR RELEASE OF INFORMATION

This letter formally transmits instructions for releasing information to an authorized person or agency and use of the statewide process regarding two new forms DCSS 0643, *Request and Authorization for Release of Information-Cover* and DCSS 0644, *Request and Authorization for Release of Information*.

Effective immediately, the new forms are to be used statewide when a request is made by a Custodial Party (CP) or Non-Custodial Parent (NCP) to designate an authorized person or agency to obtain information on their child support case. These forms are not intended to be used for legal representation. If the participant has multiple cases, a completed Request and Authorization for Release of Information form is required for each case.

The forms are available for statewide use on the California Child Support Central Website, <https://central.dcss.ca.gov/CCSASHelp/Document%20Form%20Mgmt/Forms/PDF%20Fillable%20Forms.aspx>, and it is anticipated that they will be made available in the Child Support Enforcement (CSE) System by January 2010.

Existing regulations in Family Code section 17212 and Title 22, California Code of Regulations (CCR), Sections 111430 and 111440 specify safeguarding and disclosure requirements for confidential child support records. These regulations do not preclude the LCSA from disclosing case information to an authorized person or agency, if written authorization from the CP or NCP has been obtained.

However, CCR Section 111430 (a) states that child support information is confidential and shall not be disclosed for purposes not directly connected with the administration of the child support enforcement program, unless expressly authorized. CCR Section 111440 further specifies which information is authorized to be disclosed. Therefore, upon written authorization from the CP or NCP, LCSAs may only disclose the information specified in the below subsections of CCR Section 111440 (a) (4) through (9):

- (4) A document requested by the person who wrote, prepared, or furnished the document may be disclosed to that person or his/her designee, if the designee has written authorization.
- (5) A payment history of an obligor pursuant to support order may be disclosed to the obligor, court, or person on whose behalf enforcement actions are being taken or to his/her designee, if that designee has written authorization.
- (6) Income and expense information of either parent may be disclosed to the other parent or custodial party for the purpose of establishing or modifying a child support order.
- (7) Medical insurance information for a child may be disclosed to the other parent or person having custody of the child for the purpose of establishing, modifying, or enforcing a medical support order.
- (8) Any information required to be disclosed by a court order may be disclosed to the person designated in the court order.
- (9) Public records subject to disclosure under the Public Records Act may be disclosed.

Information or documents that are related to the above subsections used in the administration of the child and spousal support program, consistent with 22 CCR §111440 and Family Code section 17212, may also be disclosed to the authorized person or agency.

In addition LCSA staff must continue to adhere to CCR Section 111440 (b) which states:

- (b) Notwithstanding any other provision in these regulations, the disclosure of information on the whereabouts of one party or the child to the other party shall be prohibited in any of the following circumstances:
  - (1) The local child support agency has reason to believe that release of the information may result in physical or emotional harm to the party or the child; or
  - (2) A good cause claim, pursuant to Section 11477.04 or Section 14008.6, Welfare and Institutions Code, has been approved or is pending; or
  - (3) A protective order has been issued by a court or administrative agency.

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Please refer to Attachment A for instructions on the statewide process for releasing information to an Authorized Person or Agency.

If you have any questions or concerns regarding this matter, please contact Debra Shanaberger at (916) 464-5883.

Sincerely,

/os/

BILL OTTERBECK  
Deputy Director

## Attachment A

### Instructions for statewide processing the Request and Authorization for Release of Information

The following instructions provide a uniform business process for LCSA/DCSS Workers to follow when a custodial or non-custodial party requests an Authorization for Release of Information form DCSS 0644.

Step	Activity	Responsible Party
1.	Request and Authorization for Release of Information form DCSS 0644 sent as requested. (The worker must create an Activity Log entry indicating a request was made for the Authorization form.)	LCSA/DCSS Worker
2.	A completed DCSS 0644 form is received. <ol style="list-style-type: none"><li>1. The worker must enter the following into CSE at the Participant level, under Special Circumstances, in the Worker Alert Message field: "Authorization for Release of Information on file or Multiple Authorizations for Release of Info on file". (Note there is a 50 character limit in this field.)</li><li>2. Send the Request and Authorization for Release of Information to the Central Scan Facility to be imaged into CSE.</li></ol>	LCSA/DCSS Worker
3.	An Authorized Person or Agency requests information. <ol style="list-style-type: none"><li>1. Review the scanned image of the Request and Authorization for Release of Information form DCSS 0644 in CSE.</li><li>2. Verify the identity of the authorized person or agency from the information on the Request and Authorization for Release of Information form imaged in CSE. The verification must include both the participant information and the authorized person or agency information to be valid.</li></ol> <p>After verification is secured release information according to CSS Letter 09-04.</p>	LCSA/DCSS Worker
4.	Document information released to the authorized person or agency in the Activity Log at the Case level.	LCSA/DCSS Worker

In order to secure statewide uniformity DCSS requests counties to secure a new Request and Authorization for Release of Information form DCSS 0644 when it is determined an existing (old) Release of Information is on file. Instructions are outlined below.

Step	Activity	Responsible Party
1.	<p>Existing Release of Information form currently on file.</p> <ol style="list-style-type: none"> <li>1. Type "Release of Information on file", in CSE, at the Participant level under Special Circumstances, in the Worker Alert Message field.</li> <li>2. Review information contained in the current document.</li> <li>3. Verify the identity of the authorized person or agency from the information on the current Authorization for Release. The verification must include all information provided on the current form.</li> <li>4. After verification is secured release information according to CSS Letter 09-04.</li> </ol>	LCSA/DCSS Worker
2.	<p>Document information released to the authorized person or agency in the Activity Log at the Case level.</p>	LCSA/DCSS Worker
3.	<p>Send a new Request and Authorization for Release of Information form DCSS 0644 to the CP or NCP. (The worker must create an Activity Log entry indicating a new Authorization form was sent.)</p>	LCSA/DCSS Worker
4.	<p>A new Request and Authorization for Release of Information is received.</p> <ol style="list-style-type: none"> <li>1. Send the Request and Authorization for Release of Information to the Central Scan Facility to be imaged into CSE.</li> </ol>	LCSA/DCSS Worker

Follow the step below when a revocation of an Authorization form is received.

Step	Activity	Responsible Party
1.	Revocation of an Authorization form is received.  1. Document the revocation in the Activity Log at the Case level.  2. Remove the Worker Alert Message at the Participant level.	LCSA/DCSS Worker

Note: The right of the authorized person to submit personal information to DCSS is theirs. In the event the information required is not provided the authorized person or agency shall be advised that case information cannot be released.