

## *FAMILY VIOLENCE INDICATOR PLACEMENT CRITERIA*

### *MATRIX 2*

The State plan provisions of Federal law direct States to develop strategies for handling confidential information they acquire in connection with child support program functions. [42 U.S.C. §654(26)(A)] In addition to maintaining general confidentiality standards, States are to have specific plans for protecting the personal information for people who:

- have protection orders safeguarding them from other people involved in their child support cases or orders [42 U.S.C. §654(26)(B)]; or
- in some other way, give the State reason to believe that release of their personal data could result in harm. [42 U.S.C. §654(26)(C)]

The law requires States to notify HHS when they are presented with these types of situations. [42 U.S.C. §654(26)(D)] States inform HHS of the potential for harm by means of the FV Indicator.

While the existence of a protection order is clearly one way to demonstrate at-risk status, and hence the need for an FV Indicator, it is not the only criterion used by some States. The matrix that follows shows the variety of standards that States currently are using to set the FV Indicator on SCR records. Six primary categories of placement criteria are listed:

- ***Protection Order (PO)*** -- If a IV-D case participant, or a person involved in a non IV-D child support order, presents a protection order safeguarding him or her from another person in the child support case or order, every State will set an FV Indicator on the protected person. However, some States take active steps to identify people connected with both child support and protection matters in order to set the FV Indicator. The *PO* column on the following matrix identifies States that either require, or actively seek, protection order information to set the FV Indicator.
- ***Child Abuse (CH AB)*** -- Federal law directs States to inform HHS when they have reasonable evidence of domestic violence or child abuse. To operationalize this requirement, a number of States list child abuse reports or active foster care cases as an FV Indicator placement criterion. The *CH AB* column on the following matrix identifies States that either require, or actively seek, child abuse information to set the FV Indicator.
- ***Good Cause (GC)*** -- When a person receives, or applies for, public assistance, the individual is required to cooperate with child support efforts. The cooperation requirement can be excused when the public assistance recipient or applicant is found to have good cause not to pursue child support. Good Cause status typically is afforded in situations in which there is a pending adoption, or the child was conceived through rape, or there is an issue of domestic violence between individuals in the child support case.

Most States have decided to use Good Cause as a means of setting the FV Indicator. States differ, however, on how they connect the Good Cause and FV Indicator concepts. For instance, some States set FV Indicators whenever public assistance recipients or applicants request Good Cause status. Other States only set FV Indicators on the SCR records of people who actually have been granted Good Cause status. In some States, the FV Indicator will only be set for a person whose Good Cause request or determination is related to family violence; however, not all States draw this distinction.

In the matrix that follows, the *GC* column identifies States that either require a Good Cause request or status before setting an FV Indicator on a case participant who is receiving public assistance.

- ***Self-Reporting to the IV-D Agency (SR to IV-D)*** -- A number of States permit an at-risk individual to inform the State IV-D agency about the potential for harm. States differ about the manner in which this information is conveyed -- telephone communications, in-person oral reports, application forms, and/or written affidavits. The *SR to IV-D* column on the following matrix lists States that permit IV-D case participants to notify the IV-D agency about potential harm using any of the identified methods.
- ***Self-Reporting to the Court (SR to CT)*** -- Several States permit an at-risk individual, who is involved in a private child support order (non IV-D order), to inform the appropriate State court about the potential for harm. States differ about the manner in which this information is conveyed -- such as, data statistic forms and/or admissions on the record. The *SR to CT* column on the following matrix lists States that permit people involved in non IV-D orders to provide family violence information to the court for the purpose of setting FV Indicators.
- ***IV-D Worker Knowledge (IV-D KLG)*** -- A few States permit child support workers to set an FV Indicator, for IV-D case participants, when they have independent knowledge of actual harm or possible risk. The *IV-D KLG* column on the following matrix identifies States that permit IV-D staff to set FV Indicators based on workers' independent knowledge of actual or potential risk.
- ***Other*** -- Some States have developed other FV Indicator placement criteria. The *OTHER* column on the following matrix identifies additional standards being used by States to set FV Indicators.

Note that, as with all of the information presented in this *State Practice Guide*, States are constantly reevaluating their placement criteria. Accordingly, this entire area is a work in progress.