



INDICATOR NAME:

Family Violence Indicator

SETTING CRITERIA:

IV-D--
Good Cause request or status (TANF)

IV-D & Non IV-D--
Protection order
Self-report (Written)

ELIGIBLE PEOPLE:

People Directly Protected --
Victims

Others Protected --
All household members involved in the victim's TX child support cases or orders (Automatic)

IMPACT:

Sends FV Indicator to the FCR
Results in request for deletion of protected address on court order
Prompts local safety planning

DURATION:

Indefinite

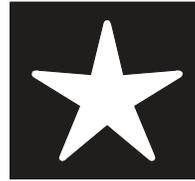
REMOVAL CRITERIA:

Victim request (Written)
Court order

OVERRIDE:

In development/early information available

Texas has developed detailed policy in the family violence area. Below is a copy of that policy, which includes not only information about the family violence data element, but definitions of the underlying concepts -- domestic violence and child abuse.



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OFFICE OF THE TEXAS ATTORNEY GENERAL

Child Support Division Online References

Policy and Procedures

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Family Violence

November 3, 1998

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Policy & Definition

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General Policy

Federal law requires IV-D agencies to have in effect certain safeguards designed to protect the privacy rights of the parties involved in a child support case.

A IV-D agency is required to notify the FCR, which is a component of the FPLS, if it has reasonable evidence of domestic violence or child abuse (both referred to as family violence) against a party or child and that the disclosure of such evidence could be harmful to these parties. [42 USC §654(26)(D)] The Texas IV-D agency reports all victims of family violence to the FCR: CP, NCP or child via the SCR.

Upon notification of evidence of family violence from a IV-D agency, the FPLS is prohibited from disclosing any information about the affected person in response to locate requests. [42 UCS §653(b)(2)]

Definition Of Domestic Violence

Domestic violence is defined as:

- ☛ an act taken by one member of a IV-D case against another member intended to result in physical harm, bodily injury, assault, sexual assault, or emotional harm or
- ☛ a threat by one member of a IV-D case against another member that reasonably places that person or a member of his/her household in fear of imminent physical harm, bodily injury, assault, sexual assault, or emotional harm.

[TFC §71.004(1)]

Definition Of Child Abuse

Child abuse is defined as:

- ☛ mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning[;]
- ☛ causing or permitting a child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning[;]
- ☛ physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child:
 - ☛ including an injury that differs from the child's history of injuries or appears to be in conflict with the explanation given for the injury
 - ☛ excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm[;]
- ☛ failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to a child[;]
- ☛ sexual conduct harmful to a child's mental, emotional, or physical welfare[;]
- ☛ failure to make a reasonable effort to prevent sexual conduct harmful to a child[;]
- ☛ compelling or encouraging a child to engage in sexual conduct[;]
- ☛ causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of a child or the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene or pornographic[;]
- ☛ the current use by a person of a controlled substance in a manner or to the extent that the use results in physical, mental, or emotional injury to a child[;] or
- ☛ causing, expressly permitting, or encouraging a child to use a controlled substance[.]

[TFC §261.001(1)]

Family Violence Indicator

- ☛ [Introduction](#)
- ☛ [DEMO Screen](#)

Introduction

As stated in the previous sub-chapter, the IV-D agency is required to notify the FCR when it has been determined that a party or child is the victim of family violence. This is done by first documenting the existence of family violence in TXCSES for the victims via a family violence indicator, referred to as FVI. The FVI is used to report both domestic violence and child abuse. The information is then automatically reported to the SCR and, from there, to the FCR. The presence of an FVI in TXCSES prevents the System from submitting an FPLS request for that member.

DEMO Screen

The DEMO Screen is used to document the existence of family violence in TXCSES. (The steps for entering and removing an FVI are addressed later in this chapter.)

If the FAMILY Violence field on DEMO displays . . .

Blank
 "Y"
 "N"

then family violence . . .

has never been reported for that member
 currently exists for that member
 existed at one time, but no longer exists

The System automatically enters the:

- ☛ date in the ADDED field and user ID in the BY field when a (Y) is entered by the user in the FAMILY VIOLENCE field[; and]
- ☛ date in the DELETED field and user ID in the BY field when an (N) is entered by the user in the FAMILY VIOLENCE field[.]

Who Enters The FVI?

All field staff are authorized to enter an FVI on the DEMO Screen.

For security purposes, only the following staff members in each office are authorized to remove an FVI:

- ☛ Managing Attorney
- ☛ Unit Manager
- ☛ Supervisor[.]

When To Enter The FVI

The FVI should be entered due to domestic violence when either the CP or NCP:

- ☛ claims family violence has occurred and requests the household address be omitted from pleadings and orders by completing an "Affidavit in Support of Nondisclosure of Information in Exceptional Circumstances" (available on ALPS)[;] or
- ☛ provides the OAG with a copy of a current protective order[.] (If the protective order is expired, an Affidavit of Nondisclosure is required.)

The FVI should be entered due to child abuse when the CP or NCP claims that child abuse has occurred and requests the household address be omitted from pleadings and orders by completing an "Affidavit in Support of Nondisclosure of Information in Exceptional Circumstances".

Staff must enter the FVI on the DEMO Screen within five business days of receipt of the information by the IV-D agency. [45 CFR §307.11(f)(1)(x)]

Entering The FVI On Appropriate DEMO Screens

An FVI must be entered on the DEMO Screens for all appropriate members when family violence exists. This is necessary to ensure the correct FVI information is submitted to the SCR and FCR to safeguard FPLS information.

Victim of Family Violence	Enter the FVI on the following members' DEMO Screens:
CP	<ul style="list-style-type: none">  CP  All children linked to the abusive parent
Child	<ul style="list-style-type: none">  CP  Abused child  All other children linked to the abusive parent
NCP	NCP

Steps For Entering An FVI On DEMO

Take the following steps to enter an FVI for a member on the DEMO Screen.

Step	Procedure
1	Access the member's DEMO Screen.
2	Type a (C) in the COMMAND line.
3	Enter the source in the SOURCE field.
4	Enter a (Y) in the FAMILY VIOLENCE field.
5	Press [ENTER]. (A System message display: "Record Changed" (The date and user ID display in the ADDED and BY fields.)
6	Repeat Steps 1 through 5 for all appropriate members.

Identifying Case Folders

When family violence exists, the case folder must clearly be marked with a visual indicator to alert the CSO and attorney of the situation. This should be done at the time the FVI is entered on the DEMO Screen.

The case must be marked by writing the letters “**FVI**” or stamping the front of the case folder with an “**FVI**” stamp. [Agency Policy]

When an FVI is removed from DEMO in accordance with the requirements for removal, simply mark through the “**FVI**” indicator on the case folder with a black marker. The user should initial and date the strike-over.

When To Remove The FVI

The FVI should be removed from the DEMO Screen only if:

- ☛ a written request to remove the indicator is received from the victim (CP or NCP) or
- ☛ a court order is received to remove the indicator[.] (See Note Below)

Staff must remove the FVI from the DEMO Screen within five business days of receipt of the information by the IV-D agency. [45 CFR §307.11(f)(1)(x)]

Note: If a court order is received to remove an FVI, staff must notify the victim. This may be done by either contacting the party by phone or in writing by drafting a local-level form. Document this action through the CASA Screen.

Temporary Removal Of The FVI To Locate NCP

If an FVI exists for an NCP who is a victim of family violence, the System is prevented from submitting an FPLS request for that member.

When an NCP with an existing FVI needs to be relocated, the FVI will temporarily have to be removed from the NCP’s DEMO Screen in order to receive FPLS information. Again, only Management can remove an FVI. Once locate is accomplished, the FVI must be reentered in TXCSES. Staff should tickle the case through the CASA Screen at the time the FVI is temporarily removed as a reminder to later reenter the FVI. (**Note:** The FVI only affects the receipt of FPLS information. It does not affect other locate interface requests.)

Follow the regular procedures for entering and removing the FVI.

* * *

Results Of Removing The FVI

Removal of the indicator in TXCSES is reported to the SCR, which in turn reports to the FCR.

The indicator on the FCR can only be removed by the state that placed the designation. If no other state additionally reported family violence for the victim, the indicator will be removed from the FCR and FPLS information can then be disclosed upon request. If more than one state reported family violence, the FCR will not remove the indicator until all submitting states request removal.

Non-IV-D Orders

As a PRWORA requirement, all states must implement a[n] SCR and establish an interface to the FCR that will automatically transmit and receive child support information for:

- ☞ all IV-D cases
- ☞ non-IV-D orders entered or modified after October 1, 1998[.]

Non-IV-D order information, including the existence of family violence, is obtained through a tape match between the BVS and the SCR files. Any updating of non-IV-D order information is done at the State Office level. This is no field office involvement regarding non-IV-D cases.

Should a non-IV-D CP contact a field office requesting a case be registered with the SCR, refer the caller to the State Office SCR Manager at (512) 460-6855 for handling.

CP/NCP Address Information On Legal Documents

* * *

Omitting Residential Addresses

The residential address for the CP and NCP is not included in the following legal documents in an effort to protect the privacy rights of a person involved in title IV-D child support cases, including cases involving family violence:

- ☞ initial pleadings
- ☞ Administrative Income Withholding documents
- ☞ Change of Payee
- ☞ Employer's Orders[.]

Only the city and state of the CP's and NCP's place of residence appears on these documents. If an address is required in an initial pleading, the OAG's address should be used.

Preparing Legal Documents

When preparing legal documents in which the residential address for the CP and NCP is included, such as:

- ☞ amended pleadings
- ☞ liens
- ☞ abstracts
- ☞ Termination of Assignments, etc.

staff must first check the DEMO Screen for each party to determine if an FVI is present for the CP, NCP or child. If a member is a victim of family violence, as indicated by an FVI, the residential address for that person must be omitted from these documents.

Addresses In The Order

The inclusion or omission of a residential address for victims of family violence is dealt with in court. The OAG should ask that the victim's residential address be excluded from the order in an effort to further protect the party. [Agency Policy] If a court denies the request to omit the address from the order, this does not affect the FVI. The FVI should remain in TXCSES unless the victim requests in writing that it be removed or the court orders the indicator be removed.

Interstate Cases

Prior to preparing the necessary documents to initiate an interstate case, staff must check the DEMO Screens for all related parties to determine if an FVI exists. If an FVI exists, omit the residential address for the CP or NCP (as appropriate) from the interstate documents. Include the Affidavit of Nondisclosure or the Protective Order when sending the documentation to the responding state.

When verbally providing case information to staff in another IV-D agency, always check the DEMO Screens to see if an FVI exists. If so, inform the other state that family violence exists so they can proceed with caution.

* * *

Informing Appropriate Parties About Family Violence

* * *

Communicating With The CP

When communicating with the CP during office visits or telephone calls, field staff must ask if disclosure of the CP's residential address would in any way affect the health and safety of the CP or child. This should be done prior to filing legal action. The CP should also be instructed to inform the child support office immediately if a threatening situation occurs in the future. Assure the CP that any information provided to the OAG regarding family violence will be confidential and will be brought to the court's attention in an effort to protect the CP's privacy.

Information regarding allegations of family violence should be brought to the AAG's attention as it may be relevant to the issue of conservatorship. [TFC §153.004]

Good Cause Due To Family Violence

A TANF recipient can obtain a good cause exemption from DHS if cooperating with the OAG would place the recipient and/or children at risk of physical or emotional harm. If a TANF recipient is reluctant to cooperate when a family violence situation exists, suggest that the CP contact the TANF worker and explain the situation. The recipient may be eligible for a good cause exemption.

Affidavit Of Nondisclosure

Staff must provide a person alleging family violence with an Affidavit of Nondisclosure for completion upon receiving notification that family violence may exist:

- ☛ through receipt of either Forms 1F001 or 1F002, information gathering forms, from the applicant
- ☛ through receipt of Form 1701/1701A from DHS
- ☛ directly from the CP or NCP either verbally or in writing[.]

Upon receipt of a completed Affidavit of Nondisclosure, the FVI must be entered on the appropriate DEMO Screens and the case folder stamped.

Federal Case Registry

* * *

Existing FVI In The FCR

If a family violence indicator exists in the Federal Case Registry records for a CP, NCP or child, regardless of which state placed the indicator, no FPLS information can be disclosed to the requesting IV-D agency or other requesting “authorized person.” When this occurs, the FPLS sends a “Disclosure Prohibited” notice which informs the IV-D agency or “authorized person”, as appropriate, that there is reasonable evidence of family violence and that information can only be disclosed to an appropriate court or an agent of a court. [42 USC 653(b)(2)(A)]

Definition Of Authorized Person

An authorized person is defined as:

- ☛ any agent or attorney of any state who has the duty or authority under the law of that state to enforce a child custody or visitation determination[;] or
- ☛ any court or agent of such court having jurisdiction to make or enforce a child custody or visitation determination[.]

[OCSE-PIQ-98-05]

Definition Of Appropriate Court

An appropriate court is defined as:

- ☛ a court which has authority to issue an order or to serve as an initiating court in an action to seek an order against an NCP for the support or maintenance of a child[;] or
- ☛ any court having jurisdiction to make or enforce a child custody or visitation determination[.]

[OCSE-AT-98-27]

Court Requests Release Of FPLS Information

When an authorized person’s request for FPLS information has been denied due to the existence of family violence, that person can seek disclosure of the information only through an appropriate court[.] [42 USC §653(a)(2)(B)] This is a manual process. The process is as follows:

Step	Who	Procedure
1	Authorized Person	asks the court to assist in seeking the information[.]
2	Court	submits the request and accompanying documents to SPLS[.]
3	SPLS	<ul style="list-style-type: none"> ☛ determines if the inquiry is from an appropriate court and on behalf of an authorized person[.] (If no, stop the process. If yes, continue.) ☛ notifies the CSO assigned to the case (if this is an active IV-D case) of the court's request to release FPLS information[.] (See Note 1 Below.) ☛ forwards the request to the Federal OCSE in accordance with requirements[.]
4	OCSE	<ul style="list-style-type: none"> ☛ coordinates with SPLS if information is incomplete or missing[.] ☛ requests the information from FPLS[.]
5	FPLS	<ul style="list-style-type: none"> ☛ performs a "one-time" override to obtain the information[.] (The FVI remains in effect for all other locate requests.) ☛ sends the information to OCSE[.]
6	OCSE	<ul style="list-style-type: none"> ☛ returns the information to SPLS[.] ☛ notified the state that placed the FVI that a one-time override request was granted[.]
7	SPLS	returns the information to the requesting court[.]
8	Court	<p>determines whether disclosure of the information could be harmful to the family violence victim[.]</p> <ul style="list-style-type: none"> ☛ If harmful, the information is not released and destroyed by the court. ☛ If not harmful, the information is released to the authorized person. <p>[42 USC §653(b)(2)(A)[,](B)(i)(ii)]</p>

Note 1: The CSO must inform the CP or NCP (as appropriate) of the court's request for the one-time release of FPLS information. This may be done by either contacting the party by phone or in writing by drafting a local-level form. Document this action through the CASA Screen. The CSO should also inform the Manager when this occurs.

Note 2: The internal procedures developed by the SPLS Section for processing court requests for the release of FPLS information must be in compliance with federal requirements. [OCSE-AT-98-27] [OCSE-PIQ-98-05]

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 CSINTRA | Policy, Procedure & References Main Menu

Supplemental References
Family Violence Safety Recommendations -- Safely Enforcing Child Support
 March 4, 1999

1. Refrain from enforcing child support or establishing an order in extreme family violence cases. A victim must provide appropriate documentation of the violence to support a request to nonsuit a case.
2. Court procedures:
 - a. A victim of family violence should attend court only when necessary.
 - b. Flag family violence cases on the docket; inform court security of potential problem prior to court date.
 - c. In court or office minimize contact of parties
 - ☛ instead of mandating appearance, place victim of family violence “on call”
 - ☛ arrange for separate entrances/exits
 - ☛ allow for late or early arrivals/departures
 - ☛ never leave parties together in [the] same room
 - ☛ request children be left at home
 - ☛ request a family or friend accompany the victim of family violence to court
 - ☛ provide family violence referral information
 - ☛ do not scheduling office negotiations; set for hearing 3. In visitation orders, provide for the exchange of children at a safe exchange house or via a neutral third party, if possible.
4. [sic] Court/office safety recommendations:
 - a. First person to observe domestic violence must call 911
 - b. Need security guards in office buildings especially during Agreed Order days
 - c. Need bailiffs/security officers in court especially in rural areas
 - d. Install security cameras in office reception area. Install Macro/icon on computer to alert office personnel of problem in specific office[.]

See also: Family Violence (Policy and Procedures)

Questions

Please direct questions concerning the content of this document to the Policy and Procedures Cross Functional Processes Specialist.



The screen sample provided below shows the Texas family violence data element. That field appears in **bold**.

Command: _____	XXXXXXXX XX:XX
DEMO	MEMBER DEMOGRAPHICS
	XXXXXXXX
<hr/>	
Member Name: _____	Member ID: _____
Source: _____	OOS St: _____
HS Case#: _____	HS Cl# _____
MAO Case #: _____	Sp Needs: _____
SSN: _____	Srce: _____
USR: _____	DOB: _____
Srce: _____	USR: _____
Approx Birth Yr: _____	Sex: _____
Race: _____	Height: _____
Ft _____	In _____
Weight: _____	Lbs _____
Hair: _____	Eyes: _____
Phone: _____	Type: A/B/C: _____
Multiple SSN: _____	Phone: _____
Type: A/B/C: _____	
Distinguishing Marks: _____	
DL #: _____	St: _____
Type: _____	Status: _____
Expires: _____	Srce: _____
Current Marital Status: _____	Mbr Bkrptcy: _____
Spouse ID: _____	Name: _____
Spouse Bkrptcy: _____	
FCR Member Registration Date: _____	Family Violence: _____
Mother's Name: _____	Added: _____
	By: _____
Father's Name: _____	Deleted: _____
	By: _____
Member's Birthplace: City: _____	St: _____
Cnty: _____	
Died: Date: _____	City: _____
St: _____	Cnty: _____
RINF on File: _____	Locate Status: _____
Non-Coop: _____	Good Cause: _____
VIP: _____	
ADDH: _____	EMPH: _____
MINS: _____	MCON: _____
JPRI: _____	ALIS: _____
Prop/Asst: _____	INEX: _____
F4=>RINF	F5=>DHS
F6=SPEC	F7=PHUP
F8=PHDN	F9=NCOP
F10=GDCS	F11=SSNA



Texas has developed a nondisclosure form to be used in the context of a child support case. Case participants may inform the State of their safety concerns by using this form.

NCP Name: _____
CP Name: _____
OAG Number: _____

AFFIDAVIT IN SUPPORT OF NONDISCLOSURE OF INFORMATION
IN EXCEPTIONAL CIRCUMSTANCES

Court: _____ COUNTY, TEXAS
Style: IN THE INTEREST OF _____, CHILDREN
Cause Number: _____

State of Texas
County of _____

My name is _____. I am the _____ of the child(ren) [who is/are] the subject of this suit.

By signing this affidavit, I am requesting the Court/Tribunal not to disclose any identifying information about me or my child(ren) in a pleading, order or other document filed in this proceeding.

- A protective order has been entered against _____.
The release of my address may result in physical or emotional harm for the following reasons:

The facts contained in this affidavit are true and correct."

State of Texas
County of _____

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned Notary Public, by _____, this _____ day of _____ 19____.
