

Utah



INDICATOR NAME:	Safeguard Indicator
SETTING CRITERIA:	<u>IV-D--</u> UIFSA Nondisclosure order Good Cause request (TANF) IV-D Knowledge <u>IV-D & Non IV-D--</u> Protective order
ELIGIBLE PEOPLE:	<u>People Directly Protected --</u> Victims <u>Others Protected --</u> Victim/abuser offspring in victim's household (Automatic)
IMPACT:	Sends FV Indicator to the FCR Shields victim's address on court pleadings
DURATION:	Indefinite
REMOVAL CRITERIA:	Victim request (Written)
OVERRIDE:	Preliminary procedure in place/no draft available

Below is a section of Utah policy related to the new requirements for safeguarding information. The section mentions the “Child Support Case Profile II” screen, which follows this policy statement and has its safeguard data fields highlighted. Following the screen sample is a copy of the on-line help screen provided to system users.

CASE MANAGEMENT

CS 075 Safeguarding Case Information New 10/98

UCA 62A-11-304.4

The Office of Recovery Services/Child Support Services (ORS/CSS) will attempt to safeguard the case information of the obligor or the obligee and child(ren) if there is a domestic violence issue. Once case information is safeguarded on the CSS computer system (ORSIS), an indicator is sent to the Federal Case Registry (FCR) that alerts the FCR to **NOT** make the information accessible to agencies in other states. Cases that have safeguarded information must also be identified as such when they are referred to the Attorney General’s Office or to another state.

Even if case information has been safeguarded, CSS may need to release it to the requesting party, such as a State official or a prosecuting attorney, if required to do so by court order. Refer to CS 074, Federal Case Registry and CS 146, Locate Only sections of policy for more information.

REASONS FOR SAFEGUARDING

1. **Protective order** -- Safeguard the case information on the appropriate participant if you learn that a protective order exists. For example, if there is a protective order against the obligor, safeguard the obligee’s information.
2. **Nondisclosure order** -- Safeguard the case information on the participant who obtained the nondisclosure order if you learn that one exists. Refer to CS 152, UIFSA Nondisclosure policy.
3. **Good Cause** -- Safeguard the case information on a participant who has filed a good cause claim with the Department of Workforce Services (DWS), regardless of whether the claim is accepted or denied. If the claim is denied, you still need to safeguard the information because CSS now has reason to believe that releasing the information may result in physical or emotional harm, even though good cause was not found to relieve the participant from the obligation to cooperate.
4. **Reason to believe** -- Safeguard the information if CSS is provided reason to believe that releasing the case information may cause physical or emotional harm to a party or the children.

OBLIGEE/OBLIGOR NOTIFICATION

1. **Obligee** -- The “Notice of Services” (form ANIA) notifies the obligee applying for IV-A services from DWS and the applicant applying for non-IV-A child support services of his/her option to request that his/her case information be safeguarded. The “Assignment of Rights” (form ANIC) and the “Application for Non-IV-A Services” (ANIB) provide further information. The obligee/applicant in either case will complete the “Release of Information” section in the appropriate form if s/he wants to request that her/his and/or child(ren)’s information be safeguarded. If the obligee indicates that s/he wants her/his case information safeguarded due to a protective or nondisclosure order against the other parent, the obligee must provide a copy of the order.
2. **Obligor** -- The obligor is notified of his/her option to request that his/her case information be safeguarded in the “Annual Notice of Past-Due Child Support” (E01A or the TF01 generated in September, 1998) and/or the “Initial Contact Notice” (R01A). Non-custodial parents on whom we are establishing or attempting to establish orders receive notice in the Notice of Agency Action and UAPA child support orders that they may request that their case information be safeguarded. The notices instruct the obligor to request **in writing** that the information be safeguarded. If the obligor indicates that he/she wants his/her

case information safeguarded due to a protective or nondisclosure order against the other parent, the obligor must provide a copy of the order.

PROCEDURES

Safeguard case information by entering the proper code in the SAFEGUARD/OBGE (safeguard obligee) and SAFEGUARD/OBGR (safeguard obligor) fields on the 334 CHILD SUPPORT CASE PROFILE II screen of ORSIS. The SAFEGUARD/OBGR field extends to the obligor or the alleged obligor (“OBRP,” “OBRS,” “ALGP,” “ALGS”).

* * *

2. Enter one of the codes listed below.
 - a. “Y” (Yes) = Safeguard the case information for this participant. Enter this code when the participant has made a written request to safeguard her/his case information due to one of the above reasons. If the participant is making her/his request because s/he obtained a protective or nondisclosure order against the other parent, the participant must provide a copy of the order.
 - b. “N” (No) = Do NOT safeguard the case information for this participant. Enter this code if the participant has not requested that her/his case information be safeguarded and none of the above reasons exist.
3. Press F12 to commit.

FEDERAL CASE REGISTRY

Certain case information is automatically transmitted to the Federal Case Registry (FCR). A “Y” entered in the SAFEGUARD/OBGE or the SAFEGUARD/OBGR field on the 334 screen flags the case information as safeguarded when it is transmitted to the FCR. This alerts the FCR to safeguard the information in the FCR and not release it to other agencies. A “Y” in the SAFEGUARD/OBGE field also safeguards the child(ren)’s case information. Refer to CS 074, Federal Case Registry for more information.

CASES REFERRED TO THE ATTORNEY GENERAL’S OFFICE

If a “Y” is entered in a SAFEGUARD field, and you are referring the case to the Attorney General’s Office (AGO) for judicial action, alert the AGO on the referral form and in the case narrative of the safeguarding issue. Also attach a copy of the 334 screen. The AGO will take the necessary steps to ensure that the address of the individual who requested safeguarding is not listed on any of the legal pleadings. Refer to CS 826, Attorney General’s Office Referral Procedures for details of referring cases to the AGO.

INTERSTATE CASES

If you need to refer the case to another state to ask that state to work the case and the obligee has requested that her/his case information be safeguarded, do not include the obligee’s address in the interstate referral. Instead, use the CSS address as the obligee’s address and inform the responding state that the obligee’s case information has been safeguarded. Include with the referral a copy of the protective order or non-disclosure order. If there is not order but CSS has reason to believe that releasing the obligee’s address may cause physical or emotional harm to the obligee or child(ren), take the steps listed in CS 152, Nondisclosure policy to issue an administrative Non-Disclosure Order.

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xxx                                CHILD SUPPORT CASE PROFILE II                xx/xx/xxxx    xx:xx

LAST                               FIRST                               M          xxxxxxxxxxxx
xxxxxxxxxx                         IVDS                               OPEN       xx/xx/xxxx   COLL 1 45
LAST                               FIRST                               M          xxxxxxxxxxxx

CASE NUMBER: xxxxxxxxxxxx                RESP TEAM/WORKER:
                                          REFER TO TEAM/WORKER:

FUNCTION: COLL                         ADMIN REVIEW CODE:                ADMIN REVIEW DATE:
CASE PRIORITY:

          DATE                          CITY                          COUNTY        STATE  COUNTRY
MARRIAGE:
SEPARATION:
DIVORCE:

SAFEGUARD/OBGE: P                    AFFIDAVIT ON FILE: N            AUTO GEN OF NOTICES: Y
SAFEGUARD/OBGR: P

DUPLICATE CASE #:
PF-17 AGCY XRF

SCREEN/FORM I.D.:                      KEY:                              SCREEN 2 OF 2
    
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C0001013  *WINDOW (ORD566)                FIELD HELP                xx/xx/xx
          Safeguarding Information -- Obligee

CASE NUM  A code used to control the release of obligee information.

          You must still consider restrictions for releasing information based on GRAMA
          rules.

FUNCTION  CASE PRI  CODES      DESCRIPTION
MARRIAGE:
SEPARATION:
DIVORCE:
          P          PENDING. Safeguard the case information for this participant. It is
          SAFEG      a temporary code. Use this code until you have received more
          SAFEG      specific information.
          Y          SAFEGUARD CASE INFORMATION for this participant. Enter
          this code when the participant has indicated they have a protective
          order, Good Cause has been claimed, or they have reason to believe
          releasing information may result in physical or emotional harm.

DUPLICA  PF-17 A  N          NO SAFEGUARD REQUIRED. Enter this code if the participant
          has not asked that their case information be safeguarded.

          PF3=Prior Screen    PF7/8=Page Up/Down    PF12=Exit Help

SCREEN/F
    
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