

The FV Indicator Override and Maryland as the Placing State

The Family Violence (FV) Indicator is an important tool in today's child support practice. It assists State IV-D agencies, courts, and OCSE in providing child support services in a way that minimizes possible harm to people who are known to be at risk for domestic violence or child abuse.

In brief, when a State becomes aware of a safety risk facing a IV-D case participant or a person named in a private child support (non IV-D) order, that State must take precautions to prevent the inappropriate release of whereabouts information. [42 U.S.C. §§654(26)(B), (C)] The State also must notify the U.S. Department of Health and Human Services (DHHS), Office of Child Support Enforcement (OCSE) about the risk. [42 U.S.C. §654(26)(D)]

A State provides notice to DHHS by activating the FV Indicator field on a person's State Case Registry (SCR) record and then by sending that file to the Federal Case Registry of Child Support Orders (FCR). [45 CFR 307.11(f)(1)(x)] This notice permits DHHS to begin data safeguards for the protected person as well. Specifically, after receiving this notice, DHHS is prohibited from disclosing *any* data about the protected person from the expanded Federal Parent Locator Service (FPLS). This data block applies to everyone, even to people or entities normally authorized by Federal law to request FPLS data. [42 U.S.C. §653(b)(2)]

There are times, however, when an authorized person needs FPLS data for a legally-authorized purpose, despite the subject's protected status. In these instances, Federal law allows OCSE to release FPLS data to a proper State or local court, which then determines whether release of the data to the requestor could cause harm to the protected person. [42 U.S.C. §§653(b)(2); 654(26)(E)] OCSE has developed a framework for requesting FPLS data on a known protected person and for forwarding the retrieved data to the relevant court. This process is called the *FV Indicator Override*, and it includes a range of functions for both OCSE and the requestor's State. [OCSE-DCL-98-122 (November 25, 1998)]

It is important to note that the override process includes at least one additional State—the State(s) that set the FV Indicator for the protected person. When OCSE performs an override and sends the extracted FPLS data to the requesting State, it also communicates with the State that set the protection (the placing State). This action gives the IV-D agency and/or the protected person an opportunity to provide information to the relevant court in order to assist it in making the decision about disclosing the data. Maryland has developed an approach for use when there is an override involving a person protected by that State. This initial approach may be helpful to other States.

When Maryland is the placing State, it has decided that the State Parent Locator Service (SPLS) supervisor will receive the communication from OCSE about an override request. That supervisor will immediately contact the local office that set the FV Indicator, and share the name and telephone number of the SPLS contact in the requesting State.

That local office has a vital role in the process. Its first responsibility is to communicate with the SPLS representative in the requesting State. This gives Maryland information about matters, such as the:

- identity of the specific person or entity requesting the data;
- purpose of the request; and
- court's time frame for accepting evidence and making the data release determination.

The local office also must immediately attempt to contact the protected person, or the legal guardian of a protected child. The goal here is to:

- inform the person about the override as well as the time frame and process for decision making in the requesting State;
- discuss whether the safety concern still exists; and
- get a sense of how the protected person might be impacted by release of information to the particular requestor.

If the Maryland local office learns that there is no continuing risk, it will follow the State's standard policy for deactivating an FV Indicator. (The State will transmit such a change to the FCR as well so that the FV Indicator can be removed from the person's FCR record, unless another State has also protected the person.) The office also will inform the SPLS representative in the requesting State that the risk has ended; this will permit the information to be shared with the court.

On the other hand, when the local office learns that a safety concern still exists, there is another set of procedures. The local office will again reach out to the SPLS contact in the requesting State; the Maryland representative will share that the risk continues, that the protected person has been informed, and that Maryland will be providing information for the court's consideration. That office then must gather relevant documentation from the case file and forward it to the SPLS contact in the requesting State by means of a special delivery service.

For information on Maryland's FV Indicator policy, contact:

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