

Safely Pursuing Child Support

The Role of the Family Violence Indicator



The Intersection of Child Support and Family Violence



- Child support deals with two of the most sensitive issues people face:
 - Children and Money
- Abuse may be the reason for the dissolution of a relationship
- Applying for child support could result in retaliation
- Escaping an abusive situation is only the first step
- Violence might become a threat at any time

Why Child Support is a Solution



- Establishing self-sufficiency is critical
- Children need a constant and dependable source of income
- In most cases child support is the appropriate and desired outcome so that self-sufficiency may be realized.
- *The key is how to pursue child support safely !*

Welfare Reform Addressed Family Violence



- Welfare reform recognized the responsibility of the child support program to protect people from harm
- Welfare reform made it much easier to find people through a greatly expanded Federal Parent Locator Service (FPLS), but

*...the law required states to notify the FPLS when the address of a person should **not** be released because that person might be harmed*

What is the Family Violence Indicator?



- Welfare reform specified that a Family Violence Indicator (FVI) should be set on people who need protection
- *In most cases mothers and children are the ones who need to be protected*
- The FVI prevents any information from being released from the FPLS
- This is important because the FPLS has access to extensive locate sources to find people, their income and their assets

What is the FPLS?



- The FPLS was created in 1975 to provide help from the federal government to states in working child support cases
- In 1996 welfare reform created within the FPLS
 - Federal Case Registry (FCR), which contains all child support cases in the country
 - National Directory of New Hires (NDNH), which receives all new hire reports, wage records and unemployment insurance claims from across the country
- These databases are matched daily to locate people

FPLS Matches with Many Outside Agencies and Entities



- Social Security Administration
- Department of Defense
- Veterans Administration
- Internal Revenue Service
- Federal Bureau of Investigation
- National Security Agency
- Multistate Financial Institutions
- Thrift Savings Plan
- Insurance Companies
- Workers Compensation Agencies

How are FVIs Set?



- Laws and policies vary from state to state
- States report different triggers for setting FVIs:
 - Parent is asked if address needs to be protected
 - Protective order exists
 - Parent has signed an affidavit
 - Child welfare agency has received a child abuse complaint
 - Posting address in court or in a public document could be dangerous (sometimes the perpetrator is not involved in the child support case but is looking for the victim)
- States provide the FVI on the FCR for people who need protection

Important Points to know about the FVI



- FVI should **not** be set on the perpetrator of family violence
- FVI stops the flow of **all** information from the FPLS to **all** states, even the state that set the FVI
- *Be sure the FVI is **not** set on the entire case because this will protect the perpetrator as well as the victims – only set the FVI on a **victim***

What Happens when the Victims are Protected by FVIs?



Jane is the mother and Mary is a child. They are victims of family violence. John is the perpetrator. Jane wants child support pursued to help them gain self-sufficiency.



The state correctly set an FVI on Jane and Mary

Case	Case Role	FVI Set	Address and FPLS Data
John	NCP	No	Info Returned to Child Support
Jane	CP	Yes	Info <u>Not</u> Returned to Child Support
Mary	Child	Yes	Info <u>Not</u> Returned to Child Support

Putting the FVI on the victims protects them while the child support agency can continue to receive locate information from the FPLS on the perpetrator to assist with collecting child support.

What Happens when the Perpetrator is Protected by an FVI?



John is the perpetrator of violence against Jane and Mary. Jane wants child support pursued, but she and Mary need to be protected from being found.



The state set the FVI on John, the perpetrator, by mistake!

Case	Case Role	FVI Set	Address and FPLS Data
John	NCP	Yes	Info <u>Not</u> Returned to Child Support
Jane	CP	No	Info Returned to Child Support
Mary	Child	No	Info Returned to Child Support

Because the FVI was set on the perpetrator in error, all vital FPLS data is blocked! The child support agency cannot use the FPLS to find him or his income and assets. The mother and child are not protected, and the state cannot use FPLS data to help them gain self-sufficiency.

How does the FPLS Indicate FVI Protection?



- If any state asks for information on a person protected with an FVI, the FPLS sends the message:

“Disclosure Prohibited”

What if an FVI is No Longer Needed?



- States remove the FVI from the FCR
- Some states do not have processes in place to remove FVIs
- Some states have practices to:
 - Automate sending a notice to victims to ask if protection is still needed
 - Inquire if an FVI is still needed as part of routine contact
 - Check for expired protective orders (especially for temporary restraining orders)
 - Look for changed circumstances (e.g., a child protected with FVI may become a non-custodial parent later)

Take Away Points



- Prevent misunderstandings and misuse of the FVI (don't protect the perpetrator!)
- Family violence can occur at any time during the life cycle of a child support case
- Periodically review cases to see if an FVI should be set and periodically review cases to see if an FVI is no longer needed
- Child support is a solution – it provides a road to self-sufficiency
- *The FVI can help pursue child support safely!*