



**CHILD SUPPORT SERVICES DIVISION**  
**GENERAL PROGRAM ADMINISTRATION**  
**Domestic Violence Indicator**

**CS 101.5**

**SUPERSEDES**

CS 101.5 Domestic Violence Indicator, July 27, 2006

**REFERENCES**

42 USC §§ 653(a)-(c), 654(26), 663(a)-(d); 45 CFR 303.70; MCA 40-5-206(6)

**Policy**

**Identifying Victims of Domestic Violence**

To prevent the occurrence or reoccurrence of domestic violence or child abuse in child support cases, the Child Support Services Division (CSSD) identifies participants whose whereabouts should not be disclosed and enters a special "flag" for these participants on SYSTEM. The determination about whether a participant's information should be protected is based on the requirements of [MCA 40-5-206\(6\)](#),

- "The [CSSD] may not disclose information regarding the whereabouts of a party to another party if:
- a. the [CSSD] received notice that a protective order with respect to the party has been entered against the other party; or
  - b. the [CSSD] has reason to believe that the release of information may result in physical or emotional harm to the party."

**System Designations**

The alleged domestic violence indicator (DVI) is used to identify the perpetrator in a domestic violence case. An alleged victim can be the obligee, or the obligor/alleged father in the case. DVI is set from the CAP screen on the alleged victim in the case. It displays on the CAS and CSU screens as a 'V' (violence). Once set it attaches to any child in the case, who resides with the alleged victim.

The possibly dangerous indicator is different from DVI. It is used to identify a participant who may pose a physical threat to the CSSD. This indicator is set from the PAR screen and displays on CAS and CSU screens as a 'D' (dangerous).

**Central Case Registry/Federal Case Registry**

In non-IV-D cases maintained in the central case registry (region 90 cases) where applicable the clerk of court enters a DVI for the victim named in a protective or restraining order before transmitting the case data to the CSSD.

When Montana submits IV-D and Region 90 case information to the Federal Case Registry, the data includes any DVIs entered by the CSSD or the clerk of court. The Federal Case Registry then uses a family violence indicator to flag participants identified by Montana, or other states as alleged victims.



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#### Expanded FPLS and the Judicial Override

Beginning in 1996, federal law expanded the Federal Parent Locator Service (FPLS) database to include the Federal Case Registry and allowed authorized persons to access the FPLS for purposes of determining or enforcing custody and visitation. These two changes created a potential conflict between equally legal purposes. For example, what is the proper outcome when a state parent locator service submits a locate request to the FPLS for the purpose of visitation enforcement, and the person to be located is protected by another state's family violence indicator in the Federal Case Registry?

Federal law provides a method for resolving conflicts between the family violence indicator and FPLS access. The method involves courts of the state requesting the locate services and is called the judicial override process.

#### Proactive Matches Not Reported

It is important to remember that when a person is protected by a family violence indicator, the FCR's proactive matching operates differently. When the CSSD submits a request for information to the FCR on a participant, who has protected status in another state, the FCR **will not** provide any information. If the CSSD Locate Unit (state locator service) submits a request to the FCR on that same participant, the locate unit receives a response indicating there is a match, but disclosure is prohibited based on the family violence indicator. Therefore, the judicial override process above is useful **only** after the CSSD Locate Unit sends a direct request to the FCR revealing that information on the protected participant does exist.