



## CHILD SUPPORT SERVICES DIVISION SAFEGUARDING & SHARING INFORMATION

### Authorization for Release of Information

CS 100.1

#### SUPERSEDES

CS 100.1 Authorization for Release of Information, November 20, 1995

#### REFERENCES

MCA § 40-5-206(4), (5), (6); OCSS PIQ 01-05

#### Introduction

Releasing case or payment information is a part of casework. To maintain confidentiality and uniformity CS 100.1A Authorization for Release of Information form was created.

Releasing case information to a third-party is made possible with a signed Authorization for Release of Information form. While payment information can be released under different criteria.; however, the source of a payment remains confidential.

#### Definitions and Terminology

**Confidential child support program information:** Includes state child support program and case information, other state and tribal information, and other confidential information. Confidential information means any information relating to a specific individual or an individual who can be identified by reference to one or more factors including, but not limited to, the individual's Social Security Number (SSN), address, employment information and financial information. Any information obtained during the course of a child support investigation that is confidential at its source must be treated as confidential and safeguarded.

**Federal Parent Locate Service (FPLS):** FPLS information includes information in the National Directory of New Hires (NDNH), the Debtor File and the Federal Case Registry. The NDNH contains new hire, quarterly wage and unemployment insurance information on individuals. The Debtor File contains personal information such as name, SSN, arrearages and other private data. The Federal Case Registry (FCR) contains names, SSNs, state case numbers, dates of birth, sex, abstracts of support orders, and other case information.

**Return Information/Federal Tax Information (FTI):** According to 26 U.S.C. §§ 6103(2) (A), (B) "return information" also known as FTI is, (A) a taxpayer's identity, the nature, source, or amount of his income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability, tax withheld, deficiencies, overassessments, or tax payments, whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing, or any other data, received by, recorded by, prepared by, furnished to, or collected by the Secretary with respect to a return or with respect to the determination of the existence, or possible existence, of liability (or the amount thereof) of any person under this title for any tax, penalty, interest, fine, forfeiture, or other imposition, or offense, (B) any part of any written determination or any background file document relating to such written determination (as such terms are defined in section 6110(b)) which is not open to public inspection under section 6110....



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## **POLICY**

### **Authorization**

A CS 100.1A Authorization for Release of Information allows an obligor or obligee who needs assistance from another individual, such as an attorney or family member, to communicate with the Child Support Services Division (CSSD). By signing the authorization for release of information, the individual named on the form is granted access to case information that would otherwise be restricted to the obligor or obligee. However, it does not remove the confidentiality restriction of other information.

The authorization for the release of information form applies to only one case. An obligor or obligee with multiple cases would need to complete the form for each case in which they would like CSSD to release information to a third party. The form can be sent by CSSD staff to the obligor or obligee upon request, or a caseworker may send it if it is believed an obligor or obligee could benefit from it.

### **Release of Case Information**

Any information obtained by the CSSD that is confidential at its source is safeguarded accordingly. The CSSD may release information obtained from nonconfidential public and private sources, including information regarding support orders, judgments, and payment records.

The CSSD's release or use of information obtained from confidential sources, or maintained in its case records, such as names, addresses, and social security numbers, is limited to the criteria below, unless a specific statute or rule prohibits it:

- Purposes directly related to the provision of child support services.
  - Confidential information can be provided to employers directly related to establishment or enforcement of a child support order.
- Government attorneys and courts having jurisdiction in child support and abandonment proceedings.
- IV-D agencies involved in child support services under the federal Social Security Act.
- Any other use permitted or required by the federal Social Security Act.

The CSSD cannot release information about a participant's location to another participant if it has received notice that a protective order has been issued against an obligor or obligee or if the CSSD has reason to believe that releasing information will cause physical or emotional harm to the participant. Refer to CS 101.5 Domestic Violence Indicator.



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#### **Payment and Debt Information**

Payment records may be released to a title company, attorney, financial institution, or case participant without a signed release. If the request is not from a title company, attorney, financial institution, or a case participant, it should be referred to an attorney at the Office of Legal Affairs (OLA).

The CSSD complies with the Internal Revenue Service's (IRS) requirement that the payment source is not released.

#### **Social Security Administration Access to CSSD Payment Information**

The SSA regularly seeks information from the CSSD for the purpose of determining eligibility for Supplemental Security Income (SSI) or to calculate SSI benefit amounts. It is CSSD policy to not release payment or debt information without a signed authorization from the case participant.



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## **PROCEDURES**

### **Authorization for Release of Information, CS 100.1A**

#### **CSSD Staff**

1. Sends an authorization for release of information form upon request.
2. Upon receipt of a signed authorization for release of information form:
  - a. Enters a case note includes:
    - name of the participant who signed the authorization
    - name and relationship of the third-party designee
    - any other relevant information
  - b. Enters required information into the system.
  - c. Retains the signed authorization in case record.

### **Release and Use of Case Information**

#### **Caseworker**

1. Upon a request for information confirms that the release and use of information from confidential sources or any information in the case record is limited to the criteria below, unless release is prohibited by a specific statute or rule of law:
  - Purposes directly related to the provision of child support services.
  - Government attorneys and courts having jurisdiction in child support proceedings.
  - IV-D agencies involved in child support services under the federal Social Security Act.
  - Any other use permitted or required by the 42 U.S. Code Part IV-D federal Social Security Act.
2. Based on the criteria above,

#### **Sends the requested information**

The information was obtained from nonconfidential public and private sources.

- Sends a letter to the requester releasing the requested information.
- Enters a detailed case note regarding the requested information.



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#### **Does not send the requested information**

The information was obtained from a confidential source(s).

- Sends a letter to the requester explaining the reason(s) why the information cannot be released.
- Enters a detailed case note regarding the requested information.

#### **Sends part of the requested information**

Only some of the requested information qualifies for release.

- Sends letter to requester explaining the reason(s) for releasing part of the information requested.
- Enters a detailed case note regarding the requested information.

#### **Reminder**

Do not release information about a case participant's location to another case participant if the CSSD has received notice that a protective order has been issued against an obligor or obligee or if the CSSD has reason to believe that releasing information will cause physical or emotional harm to the participant. Refers to CS 101.5 Domestic Violence Indicator.

### **Payment and Debt Information**

1. Upon request, releases payment and debt information to a title company, attorney, financial institution, or a case participant.
2. Complies with the Internal Revenue Service's (IRS) requirement that the payment source cannot be released.
3. Enters a case note regarding the request and the payment information released.
4. If the request is not from a title company, attorney, financial institution, or a case participant, it should be referred to an attorney at the Office of Legal Affairs (OLA).



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#### **SSA Access to CSSD Payment Information**

1. Releases payment information to the SSA only after receiving an SSA-8510 Authorization for SSA to Obtain Personal Information or an CS 100.1A Authorization for Release of Information, signed by the obligor or obligee.
2. Complies with the Internal Revenue Service's (IRS) requirement that the source of a payment cannot be released.
3. Enters a case note regarding the request and the information released.
4. In questionable circumstances, consults an OLA attorney.