

~~Summit County CSEA  
Procedures Handbook~~

Effective: **September 1, 2012**

Approved:

~~Jennifer Bheam, Director of  
CSEA~~

The purpose is to establish a uniform procedure for ALL workers concerning

**PREFACE**

Occasionally, situations will be encountered where strict compliance with the procedure is unreasonable. Procedures cannot be written to cover every anticipated scenario; therefore, it is expected that workers will use professional judgment in these instances. Resolutions to exceptional situations should be discussed with, and approved by, a supervisor. If the supervisor is uncertain of how to proceed, they should consult with their department administrator.

References: CSPM 5101:12-1-20 and 5101:12-1-20.1 OAC 5101:12-1-20 and 5101:12-1-20.1, **CSPMTL 65**

**PROCEDURAL OUTLINE**

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**1.0 GENERAL**

- 1.01 Pursuant to section 1347.08 of the Ohio Revised Code, no person will disclose information concerning applicants for and recipients of child support enforcement program services provided by a county Child Support Enforcement Agency or kept by the Ohio Department of Jobs and Family Services. This policy is based on Title 45 of the Code of Federal Regulations.
- A. Information is **NOT** to be given to the Absent Parent or their Third Party designee in reference to **ANY** Child Support Enforcement or Ohio Department of Jobs and Family Services programs that the Custodial Parent is receiving.
  - B. Information is **NOT** to be given to the Custodial Parent or their Third Party designee in reference to **ANY** Child Support Enforcement or Ohio Department of Jobs and Family Services programs that the Absent Parent is receiving.

- 1.02 **General** questions from a Third Party pertaining to Child Support policies and procedures, who does not have a written Third Party authorization on file, will be answered by the Case Manager or the **Call Center**, etc. EX: My husband wants to have a modification. How does he do this and what does he need? How does a contempt action work? Etc.
- 1.03 State and federal auditors, state and federal legislators acting on behalf of a complaint, and judges, magistrates, prosecutors and clerk of courts are permitted to have access to information pertaining to a case **but must complete the JFS 04001 as referenced in section 5.0 of this procedure.**
- 1.04 Information received by the FPLS, **SPLS**, CREDIT REPORTING AGENCY, Worker's Compensation, Ohio Bureau of Employment Services or IRS disclosure is considered restricted information **and must be handled in accordance with the JFS 01709 Confidentiality of Information Reference Guide (See 400-100-016 Addendum) and in accordance with FTI Safeguarding requirements.**
- 1.05 **UNDER NO CIRCUMSTANCES WILL PAYMENTS BE MADE TO A THIRD PARTY UNLESS THERE IS A SIGNED, TIMED STAMPED COURT ORDER. UNDER NO CIRCUMSTANCES WILL A PAYMENT BE RELEASED TO A THIRD PARTY BASED ON A HANDWRITTEN LETTER TO THE AGENCY, A FAX CORRESPONDENCE, A PHONE CALL, OR A MOTION TO THE COURT.**
- 1.06 Requests for information about whom the requestor, requestor's representative or non case participant is not subject must be for a permissible purpose as outlined in section 3.02 and handled in accordance with section 5.0 of these procedures.

## 2.0 WRITTEN AUTHORIZATION

- 2.01 Information maintained by the CSEA or the ODJFS, **of which a person is a subject**, may be inspected by an authorized person. An "Authorized person" means the subject, the subject's legal guardian, the subject's attorney of record in a current pending matter or any other person who has WRITTEN PERMISSION BY THE SUBJECT OR THE SUBJECT'S LEGAL GUARDIAN.
- A. The employees of the Summit County CSEA WILL NOT give information pertaining to a case to a person other than the obligor or the obligee unless there is a completed "Third Party Confidential Form" in the file.
1. **If** an obligor or obligee **requests** to designate another individual to act on their behalf, explain that a "Third Party Confidential Form" needs to be completed in full. We can accept a copy of this form by fax. **All forms must include a range of dates for which the authorized party is allowed access to the case and all forms must be notarized.**
  2. The agency form must be used. The agency will not accept hand written letters or verbal requests. The form is found on the 'R' drive under "Case Management Forms" titled "Third Party Confidential Form". The form may either be mailed to the obligee or the obligor or may be completed **in person, at** the agency.
    - a. When the form **is** returned to the agency, the Records Room staff will make sure the SETS number is on the document and forward the information to Bruce Cunningham who will enter the information on SFRC under the worker ID of WBWC77. The document will **then** be routed to the Records Room for scanning and held for 30 days before being shredded.
    - b. If the obligee or the obligor completes the form at the agency, the agency employee handling the document will make sure it is completed properly,

- including the SETS number and Notarial Acknowledgement and forwarded according to the instructions outlined above.
3. Once the duration of time has expired, the obligor or the obligee must complete a new "Third Party Confidential Form" if they want to renew the authorization.
- B. According to the CSPM 5101:12-1-20.1 the release statement will contain, at a minimum, the subject's full name, the name and title of the authorized person, the duration in which the authorized person may view or inspect the information and the subject's signature and date and a description of the type of information that is to be disclosed.
1. Inspect means that any authorized person may view any documents containing information to which the person is the subject. (EX: If the obligor has a Third party represent him, only information pertaining to the obligor will be given out.) Any information to which the person is not the subject contained on the same document or medium and which could not be accessed must be redacted (edited out) before it is viewed by the authorized person.
  2. Any computer screen containing information regarding the person who is the subject of the information must be screen printed and redacted, if necessary, before the authorized person may view the information.
- C. When the Clerical Specialist or Case Manager receives a phone call or has a walk in that is a Third Party, access the SFRS screen by typing SFRS in the "NEXT TRAN" field and the case number in the "PARMS" field and press enter. In the "Worker ID" field the Clerk or Case Manager will check both WFIL77 and WBWC77 and press enter. You will be able to view any information that this worker has submitted, which should ONLY be Third Party/Attorney information.
1. If there is no information for WFIL77 or WBWC77, the Case Manager will need to search on the SFRC screen for prior notations.
  2. If the Third Party information is not on the SFRC screen then the Case Manager will need to request the file and/or check data imaging. If the "Third Party Confidential Form" is not located explain to the person that you are not permitted, under state and federal laws, to divulge any information until this document is completed by the person who is a party to the case.
- 2.02 The Call Center Staff or Case Manager can resend a "Third Party Confidential Form" at any time to update the agency record. When the form is received, the WFIL77 or WBWC77 will be utilized and searching for a 'third party' to the case, via the SFRC screen, case file or data imaging, will be minimal.
- 2.03 Any requests from a real estate company, mortgage company or title agency for arrears information must complete the JFS 04001 or may submit a waiver of confidentiality which has been signed by the obligor or obligee. This may be received by facsimile. If this request is pertaining to a lien payoff, refer to the procedure "Lien Payoff Program" #400-400-009 located on the 'R' drive under "Public" titled "Procedures".
1. The signed waiver must include the following information:
    - The case participant's full name
    - Name and title (if applicable) of the individual or entity to whom information is to be disclosed
    - A description of the information requested

- The duration of the permission
- The case participant's signature

2.04 A different form must be filled out and signed by the obligor or the obligee when a private attorney is involved in the case. This form is found on the 'R' drive under "Public", "Case Management Forms" titled "Attorney Client Affidavit". Refer to the procedure "Attorney Representation" #400-100-002 found in the "Procedures" on the 'R' drive.

### 3.0 NOTICE OF DISCLOSURE

3.01 Pursuant to the ORC 3125.16, each obligor and obligee under a child support order may review all records maintained by a CSEA which pertain to the support order and any other information maintained by the CSEA, except as prohibited by state or federal law. The release of addresses of parties and other information, unless it is connected with the administration of the child support enforcement program, is prohibited except as provided in Section 3.02 of this procedure.

3.02 Summit County CSEA will NOT disclose an address to an individual on a case when the requestor does NOT have a valid reason for wanting to obtain the address information of the other party (ie. The CP or AP want the address just to know where the other person lives. Or, the party wants the address just because they are upset, mad or angry at the other party). The agency shall ONLY disclose information for purposes directly connected with any of the following:

1. The support enforcement program, Ohio works first (OWF), or Medicaid
2. Any investigation, criminal prosecution, or civil or administrative proceeding conducted in connection with the administration of any of the programs listed above
3. Reporting suspected or known instances of child abuse, exploitation, or the negligent treatment of a child who is the subject of a support enforcement program case to the appropriate agency or official
4. A federal, state, or local audit
5. To locate:
  - An individual against whom a child support order is sought
  - An individual who has or may have parental rights with respect to a child
  - An obligee of a child support order
  - A parent or child involve in a non-IV-D child support case

3.03 If an obligor or obligee's address is requested in accordance with the conditions above, and the CSEA has any indication or information that the person may not wish the address to be released, a notice will be mailed to the non-requesting party's last known address. The notice will advise the obligor or obligee that a request for disclosure has been made and will be complied with within thirty calendar days from the date of the notice unless:

1. The CSEA receives a copy of a court order which forbids the disclosure of the information or restricts or limits the requesting party's right to contact or visit the person, or the person can provide verification that a judicial hearing has been requested to contest the disclosure. If verification is provided that a judicial hearing has been requested to contest the disclosure, the agency will delay the disclosure of the information until a decision has been rendered by the court.

2. The agency receives a copy of a current and valid domestic violence protection order protecting the individual from the requesting party.
3. The agency receives copies of recent police reports, or similar documentation that would indicate good cause to withhold the address.

3.04 The “Request to Disclose Address” is found on the ‘R’ drive under “Public” titled “Case Management Forms”.

#### **4.0 PRIVATE COLLECTION AGENCY**

- 4.01 A custodial parent may request the CSEA to change her/his address to that of a Private Collection Agency that she/he has contracted to collect child support. The CSEA is obligated to honor this request as long as a notarized statement is received either from the Private Collection Agency or the CSEA’s “Private Collection Agency Confidentiality Form” found on the ‘R’ drive under “Case Management Forms”.
- A. If the custodial parent has more than one case, SETS will automatically change the address on all cases.
  - B. All correspondence regarding the case will also be mailed to the Private Collection Agency.
  - C. With the release of PRWORA, SETS is unable to identify an ‘alternate payee’.
  - D. The child support check will still be payable to the custodial parent, but will be mailed to the new address in care of the Private Collection Agency.

#### **5.0 REQUESTS FROM A PARTY TO THE CASE, REPRESENTATIVE OR OTHER THIRD PARTY FOR INFORMATION ABOUT WHOM THE PARTY IS NOT SUBJECT**

5.01 In accordance with Ohio Administrative Code rule 5101:12-1-20 and its supplemental rules, case information may only be disclosed to an authorized requestor for an authorized purpose. (See section 3.02 for definitions of authorized purpose.)

5.02 A party to, or representative of a party to a case must complete the JFS 04001 in full. The form must be notarized.

5.03 Once received by the agency, Records Room Staff will forward the request to the case manager for review. If the request is approved, the case manager will release the information to the appropriate party and forward the request and any supporting documents back to the Records Room to be imaged and held for 30 days prior to shredding.

5.04 Agency personnel will follow the **JFS 01709 “CONFIDENTIALITY OF INFORMATION REFERENCE GUIDE”** (Section 400-100-016 Addendum in the CSEA Procedures Manual) for instructions on information sources that may be released to which parties, and under what circumstances.

5.05 Requests for LOCATION from a Child Welfare Agency for information obtained from the FPLS, SPLS or NDNH must be submitted using the JFS 07713. The CSEA’s response to the request must be recorded on the response portion of the JFS 07713 and sent back to the requesting agency. The case manager will forward a copy of the request and response portions of the JFS 07713 and forward to the records room for document imaging where the document will be kept for 30 days, then shredded.

