POLICY

The Indiana Department of Child Services (DCS) is committed to safeguarding Social Security Numbers (SSN). DCS complies with state laws regarding the confidentiality and permitted disclosures of Social Security numbers (SSN). DCS staff may not disclose an individual's SSN unless such disclosure falls under the established exceptions to nondisclosure or permitted disclosures.

> **Note:** Disclosure of the last four (4) digits of an individual's SSN is not a disclosure of the individual's SSN. See Code References.

Exceptions to Nondisclosures: Unless prohibited by state law, federal law, or court order, the following apply:
1. DCS staff may disclose the SSN of an individual to a state, local, or federal government agency as long as it is related to the case file;
2. DCS staff may disclose the SSN of an individual to the judicial branch of government; and
3. A state law enforcement agency may, for purposes of furthering an investigation, disclose the SSN of an individual to any individual, state, local, or federal agency, or other legal entity.

DCS may disclose the SSN of an individual if any of the following apply:

1. The disclosure of the SSN is expressly required by state law, federal law, or a court order;
2. The individual expressly consents in writing for the disclosure of the individual's or his/ her minor child's SSN. The signed release may be valid for up to two (2) years from the date it was signed;
3. The disclosure of the SSN is for the purpose of administration of Title IV-D of the Federal Social Security Act.

For Public Record Requests
DCS staff must remove or permanently obscure an individual's SSN on a public record prior to disclosing the record.

Social Security Administration (SSA) Data Access Audit
DCS will designate at least one employee who will conduct data access audits.

Code References
1. IC 4-1-10: Release of social security numbers
2. IC 4-1-10-2: State agency
3. IC 4-1-10-3: Non-disclosure of social security number

4. [IC 4-1-10-4: Exceptions to nondisclosures of social security numbers](#)
5. [IC 4-1-10-5: Permitted disclosures of Social Security number](#)
6. [IC 4-1-10-6: State agency compliance](#)
7. [IC 4-1-10-8: Criminal disclosures of Social Security number; Level 6 felony](#)
8. [IC 4-1-10-9: False representation to obtain Social Security number; Level 6 felony](#)
9. [IC 4-1-10-10: Negligent disclosure of Social Security number; Class A infraction](#)
10. [IC 4-1-10-11: Attorney general investigation of disclosures; notice to county prosecutor and state police](#)
11. [IC 4-1-10-12: Attorney general determination of infraction; report to appointing authority and county prosecutor](#)
12. [U.S.C. 552a Privacy Act](#)

PROCEDURE

If DCS determines there is a specific need to release an individual's SSN, the Family Case Manager (FCM) will:
1. Ask that the request be made in writing, signed and dated by the individual making the request;
2. Place a copy of the request in the child's case file;
3. Obtain a signed [Consent to Release Social Security Number (SF 53254)](#) form from the individual or the individual's parent or legal guardian if the individual is a minor; or

   Note: In cases where parental rights have been terminated, DCS will complete the consent form.

4. Obtain court order to release the SSN if a parent or legal guardian refuses or is unable to sign the consent form for the minor child..

If the FCM becomes aware of a questionable release of SSNs, the FCM will report the questionable disclosure to the Supervisor, DCS Local Office Director (LOD), and/or Regional Manager (RM).

   Note: Central Office must be advised promptly to ensure compliance with all pertinent time-sensitive reporting requirements.

For a Social Security Administration (SSA) [Data Access Audit](#), DCS Central Office will:
1. Verify the proper usage of SSA data by DCS employees;
2. Send an electronic letter to the FCM Supervisor, DCS LOD and/or RM of the DCS employee, if DCS Central Office is unable to determine proper usage of SSA data; and
3. Forward the request to the Executive Manager, if a response is not received from the FCM Supervisor, LOD and/or RM of the DCS employee. See Related Information.

The DCS LOD and/or RM will respond to the letter from DCS Central Office within 10 business days.

PRACTICE GUIDANCE

Release of a Child's SSN to a Resource Parent for Tax Purposes

A request for a child's SSN by a resource parent must be made in writing and include the reason for the request (i.e., income tax purposes). A copy of the request should be placed in the case file.

DCS staff should not give an opinion as to whether or not the resource parent can properly claim the child as a dependent or whether the resource parent would be eligible for the child tax credit for the foster child. Any response DCS staff may give to these types of questions should only advise the taxpayer to seek such answer directly from his/her personal tax adviser or private attorney.

Release of Child's SSN to Contractors/Providers
DCS staff may disclose a child's SSN to a Contractor or Provider when necessary while providing for the child's care and treatment. Some examples of situations where such information may be released include but are not limited to the following:
1. For children age 16 and older if the case plan requires Contractor to assist the child in finding employment;
2. For children enrolled in the Medicaid program as needed for program enrollment and for on-going confirmation of enrollment status; or
3. For children for whom the rights of the parents have been terminated, DCS may consent to release of the child's SSN.

   Note: DCS must obtain a confidentiality form from any entity or agency that does not have an existing contract on file with DCS. See Confidentiality Form for Disclosure of SSN to Providers with no DCS Contract.

The Contractor/LCPA should seek independent legal advice from its agency's private counsel before deciding what information it desires to release to its agency's foster parents.

FORMS AND TOOLS

1. Consent to Release Social Security Number (SF 53254)
2. Confidentiality Form for Disclosure of SSN to Providers with no DCS Contract

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RELATED INFORMATION

Social Security Administration (SSA) Data Access Audit
DCS entered into an agreement to establish terms, conditions, and safeguards under which the SSA agrees to disclose information relating to the verification of income and eligibility factors for state-administered programs authorized by sections 453 and 1137 of the Social Security Act (the Act); verifying Social Security numbers of applicants for, and recipients of, benefits under which programs; and defining safeguards against unauthorized use and re-disclosure of such information by DCS. This computer matching agreement is executed under the Privacy Act of 1974, 5 U.S.C. § 552a, as amended by the Computer Matching and Privacy Protection Act of 1988 (CMPPA), and related regulations.

Family and Social Services Administration (FSSA) will initiate a monthly random pull of 20 Indiana Eligibility Determination Services System (IEDDS) records accessed by DCS employees.

Penalty levels for violation of this legislation are established as follows:

1. Any state employee who knowingly, intentionally, or recklessly discloses a Social Security number commits a Class D felony which is punishable by up to one (1) year in jail;
2. Any person who knowingly, intentionally, or recklessly makes a false presentation to a state agency to obtain a Social Security number from the agency commits a Class D felony which is punishable by up to one (1) year in jail; and
3. Any employee of a state agency who negligently discloses a Social Security number commits a Class A infraction which is punishable by the levying of a fine.

If a questionable disclosure occurs, Indiana Administrative Code (IAC) controls the steps that must be taken.

Note: Disclosure includes handing a person a copy of information, allowing the person to view the information, and verbally releasing the information.