

	INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL	
	Chapter 18: Confidentiality and Security	Effective Date: 10/31/2022
	Section 8: Disclosure of Confidential Information to Other Agencies	Version: 1.2 Revision Date: 10/31/2022

BACKGROUND

Confidential information is any information relating to a specific person including, but not limited to, the person’s Social Security number, address, employment information, and financial information.¹ Confidential information is all data that the Title IV-D program is required to protect from unauthorized disclosure.² It includes, but is not limited to, Federal Tax Information (FTI) and/or Personal Identifiable Information (PII) provided by the Internal Revenue Service (IRS), Social Security Administration (SSA), and Office of Child Support Services (OCSS).

POLICY

No employee or contractor of the Title IV-D program shall disclose outside of the Title IV-D program any confidential information obtained in connection with performance of the individual’s Title IV-D duties except as permitted by law.³ Employees and contractors shall collect, maintain, and use only that confidential information relevant and necessary to accomplish Title IV-D program functions.

Disclosure of data from the National Directory of New Hires (NDNH), Federal Case Registry (FCR), financial institution data match (FIDM), and IRS information is prohibited outside the Title IV-D program.⁴ Exceptions to this prohibition include allowing disclosure of NDNH and FCR information to IV-A, IV-B, IV-D, and IV-E agencies for the purpose of carrying out their responsibilities to administer their respective programs.⁵ Independently verified NDNH and FCR information may be disclosed to other State agencies to assist them in carrying out their duties under Titles IV, XIX, or XXI of the Social Security Act and the Supplemental Nutrition Assistance Program (SNAP) including:⁶

1. Any investigation, or criminal or civil proceeding conducted in connection with the administration of the program;⁷ and

¹ 45 C.F.R. § 303.21(a)(1)

² The Title IV-D program is collectively comprised of the Child Support Bureau (CSB), Title IV-D Prosecutor’s Office, and Clerk of Courts.

³ 45 C.F.R. § 303.21(c)

⁴ 45 C.F.R. § 303.21(d)(3); 45 C.F.R. § 307.13(a)(4)

⁵ 45 C.F.R. § 307.13(a)(4)

⁶ Title IV includes Title IV-A Temporary Assistance for Needy Families (TANF), Title IV-D Child Support, and Title IV-E Foster Care. Title XIX includes Medicaid. Title XXI includes the State Children’s Health Insurance Program (CHIP). 45 C.F.R. § 303.21(d); 45 C.F.R. § 307.13(a)(3)

⁷ 45 C.F.R. § 303.21(d)(1)(i)

2. Information on known or suspected instances of physical/mental injury, sexual abuse/exploitation, or negligence/maltreatment of a child that indicates a threat to the child's health or welfare.⁸

Additionally, disclosure of IRS information, which would otherwise be FTI, is permitted to other State agencies administering Titles IV, XIX, or XXI of the Social Security Act and SNAP if the information is independently verified through another source.⁹ If the locate code in the statewide child support system is IRS, IRS/AWR, or LTXF, then the information must be verified through a second source.

REFERENCES

- [Ind. Rules of Trial Procedure Rule 26](#): General provisions governing discovery
- [45 C.F.R. § 303.21](#): Safeguarding and disclosure of confidential information
- [45 C.F.R. § 307.13](#): Security and confidentiality for computerized support enforcement systems in operation after October 1, 1997

PROCEDURE

Confidential information is only to be shared with Title IV-D employees, or those authorized in the Policy above, only as necessary to perform their official duties (also known as “a need-to-know basis”). Confidential information is only to be released in the least amount necessary to perform required Title IV-D duties and assist other agencies, as specifically outlined above.

FORMS AND TOOLS

N/A

FREQUENTLY ASKED QUESTIONS

1. Q. May the Title IV-D Prosecutor's Office or Clerk of Courts release information from a Title IV-D file to a party to the case or an attorney representing one of the parties to the case?
 - A. The Title IV-D Prosecutor's Office or Clerk of Court may release confidential information to a party to the case, or to the party's attorney, outside of the formal discovery process, and that information pertains specifically to that party.

For example, the Title IV-D Prosecutor's Office may tell the non-custodial parent's (NCP's) attorney the name and address of the NCP's employer to whom an income withholding order was sent but cannot tell the custodial party (CP) or the CP's attorney that information.

⁸ 45 C.F.R. § 303.21(d)(1)(ii)

⁹ 45 C.F.R. § 303.21(d)(3)

Certain FTI regarding the NCP's tax offset may be disclosed to the CP. For further information, see FAQ number 2 below.

A party may serve a discovery request on the Title IV-D Prosecutor's Office for information in the Title IV-D file.¹⁰ The Title IV-D Prosecutor's Office shall comply with the discovery request to the extent of all applicable Indiana Trial Rules and Rules of Professional Conduct.

2. Q. May the Title IV-D Prosecutor's Office release confidential information pursuant to a court order?
 - A. The Title IV-D Prosecutor's Office may release the confidential information pursuant to a court order. The Title IV-D Prosecutor's Office may choose to appeal the order if it wishes to do so.
3. Q. May the Title IV-D Prosecutor's Office release confidential information to the criminal division of the prosecutor's office?
 - A. The answer to this question depends on the purpose for which the information is given to the criminal division of the prosecutor's office.

If the purpose for providing the confidential information is to investigate or prosecute a case within the scope of Title IV-A TANF, Title IV-D Child Support, Title IV-E Foster Care, Medicaid, State Children's Health Insurance Program (CHIP), or SNAP, then, yes, the information may be provided. Any information provided is to be limited to the extent of the information needed for the investigation.

An example of when the information may be provided is when the Title IV-D Prosecutor's Office would like to refer a case to the criminal division of the prosecutor's office for a criminal non-support case. Additionally, the Title IV-D Prosecutor's Office may disclose information to the criminal division of the prosecutor's office, only to the extent necessary, to report a crime that is discovered in the ordinary course of the child support case.

If the purpose for providing the confidential information is for any other reason, then disclosing the information to the criminal division of the prosecutor's office is prohibited absent a court order to disclose the confidential information.

RELATED INFORMATION

N/A

REVISION HISTORY

Version	Date	Description of Revision
Version 1	05/08/2019	Final approved version

¹⁰ Ind. Trial Rule 26

Version 1.1	12/02/2019	Revised sentence in Policy to make clear this concerns disclosures to other agencies;
Version 1.2	10/31/2022	Updated hyperlinks; Reviewed for consistency; Renumbered section
	08/22/2023	Changed Office of Child Support Enforcement (OCSE) to Office of Child Support Services (OCSS)