



## 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 (5), (6)

### POLICY

It is Child Support Services Division (CSSD) policy to immediately set the Domestic Violence Indicator (DVI) for an alleged victim in a case. The alleged victim's contact and locate information should not be disclosed. The CSSD may not disclose information regarding the whereabouts of an alleged victim if:

- A notice is received that a protective order with respect to the alleged victim has been entered against the other case participant.
- or
- There is reason to believe that the release of information may result in physical or emotional harm to the alleged victim or the child.

### System Designations

The DVI used to identify an alleged victim of domestic violence can be for **any** participant in a case. The DVI is different from the "possibly dangerous" system indicator. The possibly dangerous indicator is used to identify a participant who may pose a physical threat to the CSSD.

### Breach of Contact Information

The CSSD considers a breach of information to be unauthorized access, possession, suspected, or actual release of information that compromises the security of the alleged victim.



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## PROCEDURES

### Setting the DVI

#### Caseworker

1. Immediately sets the DVI for alleged victim when any of the conditions below apply.

#### Conditions for Domestic Violence Indicator

- There is a protective or restraining order in place between the participants in a CSSD case.
  - A participant in a CSSD case requests non-disclosure of their whereabouts and claims disclosure of their whereabouts may result in physical or emotional harm to the participant, or the children. This request may include receipt of CS 101.5A Request to Protect Contact and Locate Information.
  - A participant has directly stated to the CSSD that the participant intends harm to another participant in the case. This condition **applies only to direct threats**, not to ordinary negative remarks. In questionable instances, consults supervisor.
  - The CSSD has received information indicating possible domestic violence against a participant in a CSSD case by another participant in the case.
2. If information is from the alleged victim, immediately informs them of setting the DVI on their case. Enters case note describing basis for the DVI and how the domestic violence claim was made.
  3. If information is not from the alleged victim, informs alleged victim of setting the DVI on their case. Explains the conditions that led to setting the DVI. Enters case note describing the basis for the DVI and how the domestic violence claim was made.

If the alleged victim wants to withdraw the domestic violence claim or does not agree the DVI should be set, sends CS101.5B Withdrawal of Request to Protect Contact and Locate Information. Waits for the return of the signed form before removing the DVI.

#### DVI for Multiple Cases

- Sets the DVI on all alleged victim's cases when facts indicate contact and locate information should be blocked.
- Enters case note explaining why the DVI was set on the case(s).



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### **Improper Disclosure of Contact Information**

#### **CSSD Staff**

Gathers documentation of an improper disclosure of contact information and notifies a supervisor immediately if there is a real or suspected breach of contract or locate information.

#### **Supervisor/Regional Manager**

Reviews documentation provided by CSSD staff for improper disclosure of contact information and notifies the bureau chief overseeing the CSSD unit where the suspected improper disclosure occurred. If unavailable, contacts another bureau chief or the CSSD administrator. If the breach was caused by the Office of Administrative Hearings (OAH) contacts the CSSD administrator.

#### **CSSD Bureau Chief**

Simultaneously notifies the CSSD administrator before attempting to contact the participant whose information is suspected of being breached.

### **Information at Hearing or Trial is Public Record**

#### **Caseworker**

Information presented at a child support hearing or trial is public record and could be obtained by the alleged perpetrator of the domestic violence. Due to the public nature of hearings and trial the following is required.

Before exhibits are released in any administrative, court, or trial proceeding:

1. Inspects all exhibits involving the alleged victim for contact and locate information. If found, redacts the information. A redacted version is provided to the parties. An unredacted version and a redacted version is provided to the OAH.
2. Uses electronic stamp 'CONFIDENTIAL' with C number to signal that the unredacted exhibit(s) cannot be released because of a risk of harm to the participant or children(ren). Does not in any way alter the original document(s).