



Ohio Administrative Code

Rule 5101:12-10-20.1 Request for override of family violence indicator restriction.

Effective: May 15, 2008

(A) When a person listed in the federal case registry (FCR) has a family violence indicator (FVI), the child support enforcement agency (CSEA) shall ensure that no information about a case participant will be released in response to a locate request, an FCR query, or as part of the proactive matching functionality. Courts have the ability to order a one-time override of the FVI if certain requirements are met. Should a court be asked to consider an override of the FVI, a CSEA shall, upon request, provide the court with evidence it maintained regarding the family violence. If the court determines that information can be released by the FCR, the court will submit a request for the release of information for forwarding to the federal parent locator service (FPLS).

(B) When, in response to a request for locate processing or an FCR query, the FCR notifies the office of child support (OCS) that disclosure is prohibited in a case, OCS shall notify the CSEA. If the CSEA decides to pursue the restricted information, the CSEA must request a court in its county to authorize OCS to commence the process to obtain a one-time override of the FVI. Should the court order an override of the FVI, the CSEA shall submit the order to OCS, which shall submit the request to FCR.

(C) Following receipt and approval of an FVI override request, the federal office of child support enforcement (OCSE) will return the locate information via specialized delivery service to OCS. The returned information will include detailed locate information from each requested locate source and the identity of the state(s) that placed the FVI. The identity of the state(s) placing the indicator may assist the requesting state's court in making its decision about whether to release the information to the requester.

(D) The OCS shall not release or retain a copy of any of the FVI override information. Upon receipt, OCS must submit the information to the court that authorized the override or, pending the court's final determination regarding the release of the information, follow that court's instructions regarding the maintenance of the information. The court must make the determination as to whether further disclosure could be harmful to the parent or child. If the court determines that further disclosure



could be harmful, the court is not to disclose the information to the requester.

(E) When the requester is a CSEA or the FCR and the court makes the determination to disclose the information, the court will return the information to the CSEA. The CSEA must ensure that the information received for the protected person is safeguarded and used solely for child support purposes.