

System Number:

09-80-0202.

System Name:

OCSE Federal Case Registry of Child Support Orders (FCR) HHS/ACF/OCSE.

Security Classification:

None.

System Location:

National Computer Center, Social Security Administration, Baltimore, Maryland 21235.

Categories of Individuals Covered by the System:

Individuals involved in child support cases in which services are being provided by the state IV-D child support agencies, and/or individuals who are subject to child support orders established or modified on or after October 1, 1998, and the children of such individuals.

Categories of Records in the System:

The FCR collects and maintains records provided by state child support registries. These records include abstracts of support orders and information from child support cases. The records may include the following information: name, Social Security number (SSN), state case identification number, state Federal Information Processing Standard (FIPS) code, county code, case type (cases in which services are being provided by the state

child support agencies under Title IV-D of the Social Security Act and those cases in which services are not being provided by the state child support agencies), sex, date of birth, mother's maiden name, father's name, participant type (custodial party, noncustodial parent, putative father, child), family violence indicator (domestic violence or child abuse), indication of whether a child support or paternity order is in effect, purpose of request, source of location information. These records are maintained within the FCR and are regularly compared (matched) to the National Directory of New Hires (NDNH) and other federal agencies' databases to locate information for the state child support agencies or other authorized persons.

The records disseminated, depending upon the requestor's specific authority, may include information retrieved from the FCR, from the NDNH, or from other federal agencies.

Records from the NDNH and other agencies disseminated through the FCR may include categories of information such as name, SSN, address, phone number, employer, employment status and wages, retirement status and pay, assets, military status and pay, federal benefits status and amount, representative payees, unemployment status and amount, children's health insurance, incarceration status, financial institution accounts, assets, and date of death. The FCR also contains information related to those categories of records; for example, the date of receipt of federal benefits.

The FCR also maintains: 1) records (logs) of transactions involving the receipt of locate requests and the dissemination of requested information; 2) copies of the disseminated

information for audit purposes; and 3) copies of certain disseminated locate information for the purpose of electronically filtering and suppressing the transmission of redundant locate information.

Authority for Maintenance of the System:

42 U.S.C. §§ 653(h), 652(a)(9), 653(a)(1).

Purposes:

The Office of Child Support Enforcement (OCSE) uses the FCR primarily to assist states in administering programs under 42 U.S.C. §§ 651 to 669b (Title IV-D of the Social Security Act, Child Support and Establishment of Paternity) to improve states' abilities to locate parents and collect child support. OCSE is required to compare records transmitted to or maintained within the FCR to records maintained within the NDNH and other federal agencies' databases and discloses information about the individuals within the records to state child support agencies or other authorized persons. The information assists state child support agencies or other authorized persons by locating individuals and their employment and asset information who are involved in child support cases. The FCR also conducts FCR to FCR comparisons to locate information about individuals who are involved in child support cases in more than one state and provides the information to those states. Additional purposes of the FCR are specified in sections 453 and 463 of the Social Security Act (42 U.S.C. §§ 653, 663 and include assisting states in administering

programs under 42 U.S.C. §§ 601 to 619 (Title IV-A of the Social Security Act, Temporary Assistance for Needy Families); assisting states in carrying out their responsibilities under child and family services programs operated under 42 U.S.C. §§ 621 through 639 (Title IV-B of the Social Security Act), Foster Care and Adoption Assistance programs operated under 42 U.S.C. §§ 670 through 679A (Title IV-E of the Social Security Act); providing locate information (state of residence) pertaining to individuals sought pursuant to the Convention on the Civil Aspects of International Child Abduction to authorized persons in a Central Authority; to assist the Attorney General of the United States in locating any parent or child for the purpose of enforcing state or federal law with respect to the unlawful taking or restraint of a child, or making or enforcing a child custody or visitation determination; and to assist the Secretary of the Treasury in administering the sections of the Internal Revenue Code of 1986 which grant tax benefits based on support or residence of children. FCR records may also be disclosed for research purposes likely to contribute to achieving the purposes of the Temporary Assistance for Needy Families (TANF) or the federal/state child support program.

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purpose of Such Uses:

These routine uses specify circumstances under which ACF may disclose information from this system of records without the consent of the data subject. Each proposed disclosure of information under these routine uses will be evaluated to ensure that the

disclosure is legally permissible, including but not limited to ensuring that the purpose of the disclosure is compatible with the purpose for which the information was collected.

If any record contains a “family violence indicator” associated to the record by state child support agencies if there is reasonable evidence of domestic violence or child abuse, and that disclosure could be harmful to the party or the child, the record may only be disclosed as determined by a court as provided in 42 U.S.C. § 653(b)(2).

Any information defined as “return” or “return information” under 26 U.S.C. § 6103 (Internal Revenue Code) will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS) or IRS regulations.

1. Disclosure for Child Support Purposes

Pursuant to 42 U.S.C. §§ 653(a)(2), 653(b)(1)(A), and 653 (c), information about the location of an individual or information that would facilitate the discovery of the location of an individual may be disclosed, upon request filed in accordance with law, to an “authorized person” for the purpose of establishing parentage or establishing, setting the amount of, modifying or enforcing child support obligations. Information disclosed may include information about an individual’s wages (or other income) from, and

benefits of, employment, and information on the type, status, location, and amount of any assets of, or debts owed by or to, the individual. An “authorized person” is defined under 42 U.S.C. § 653(c) as follows: (1) any agent or attorney of a state who has a duty or authority to seek or recover any amounts owed as child and spousal support or to seek to enforce orders providing child custody or visitation rights; (2) a court which has authority to issue an order against a noncustodial parent for support of a child, or to issue an order against a resident parent for child custody or visitation rights, or any agent of such court; (3) the resident parent, legal guardian, attorney, or agent of a child that is not receiving assistance under a state program funded under title IV-A of the Social Security Act (Temporary Assistance to for Needy Families); and (4) a state agency that is administering a program operated under title IV-B (child and family services programs) or IV-E (Foster Care and Adoption Assistance programs) of the Social Security Act.

2. Disclosure to any Department, Agency, or Instrumentality of the United States or of any State to Locate an Individual or Information Pertaining to an Individual

Pursuant to 42 U.S.C. § 653(e)(1), information from the FCR (names and SSNs) may be disclosed to any department, agency, or instrumentality of

the United States or of any state in order to obtain information for an “authorized person” as defined in 42 U.S.C. § 653(c) which pertains to an individual’s location, wages (or other income) from, and benefits of, employment (including rights to or enrollment in group health care coverage); on the type, status, location, and amount of any assets of, or debts owed by or to, the individual. An “authorized person” is defined under 42 U.S.C. § 653(c) as follows: (1) any agent or attorney of a state who has a duty or authority to seek or recover any amounts owed as child and spousal support or to seek to enforce orders providing child custody or visitation rights; (2) a court which has authority to issue an order against a noncustodial parent for support of a child, or to issue an order against a resident parent for child custody or visitation rights, or any agent of such court; (3) the resident parent, legal guardian, attorney, or agent of a child that is not receiving assistance under a state program funded under title IV-A of the Social Security Act (Temporary Assistance to for Needy Families); and (4) a state agency that is administering a program operated under title IV-B (child and family services programs) or IV-E (Foster Care and Adoption Assistance programs) of the Social Security Act.

3. Disclosure for Purposes Related to the Unlawful Taking or Restraint of a Child or Child Custody or Visitation

Pursuant to 42 U.S.C. § 653(b)(1)(A), upon request of an “authorized person,” as defined in 42 U.S.C. § 663(d)(2), or upon request of the Department of Justice, Office of Juvenile Justice and Delinquency Prevention, pursuant to 42 U.S.C. § 663(f), information as to the most recent address and place of employment of a parent or child may be disclosed for the purpose of enforcing any state or federal law with respect to the unlawful taking or restraint of a child or making or enforcing a child custody or visitation determination. “Authorized person” is defined in 42 U.S.C. § 663(d)(2) as (A) any agent or attorney of any state having an agreement under this section, who has the duty or authority under the law of such state to enforce a child custody or visitation determination; (B) any court having jurisdiction to make or enforce such a child custody or visitation determination, or any agent of such court; and (C) any agent or attorney of the United States, or of a state having an agreement under this section, who has the duty or authority to investigate, enforce, or bring a prosecution with respect to the unlawful taking or restraint of a child.

4. Disclosure to the Social Security Administration for Verification

Pursuant to 42 U.S.C. § 653(j)(1), the names, SSNs, and birth dates of individuals about whom information is maintained may be disclosed to the Social Security Administration to the extent necessary for verification of the information by the Social Security Administration.

5. Disclosure for Locating an Individual for Paternity Establishment or in Connection with a Support Order

Pursuant to 42 U.S.C. § 653(j)(2)(B), the results of a comparison between records in this system and the National Directory of New Hires may be disclosed to the state IV-D child support enforcement agency responsible for the case for the purpose of locating an individual in a paternity establishment case or a case involving the establishment, modification, or enforcement of a support order.

6. Disclosure to State Agencies Operating Specified Programs

Pursuant to 42 U.S.C. § 653(j)(3), information may be disclosed to a state to the extent and with the frequency that the Secretary determines to be effective in assisting the state to carry out its responsibilities under child support programs operated under 42 U.S.C. §§ 651 through 669b (Title IV-D of the Social Security Act, Child Support and Establishment of Paternity), child and family services programs operated under 42 U.S.C. §§ 621 through 639 (Title IV-B of the Social Security Act), Foster Care and Adoption Assistance programs operated under 42 U.S.C. §§ 670 through 679A (Title IV-E of the Social Security Act) and assistance programs funded under 42 U.S.C. §§ 601 through 619 (Title IV-A of the Social Security Act, Temporary Assistance for Needy Families).

7. Disclosure to Department of State under International Child Abduction Remedies Act

Pursuant to 42 U.S.C. § 663(e), the most recent address and place of employment of a parent or child may be disclosed upon request to the Department of State, in its capacity as the Central Authority designated in accordance with Section 7 of the International Child Abduction Remedies Act, 42 U.S.C. § 11601 *et seq.*, for the purpose of locating the parent or child on behalf of an applicant.

8. Disclosure to Secretary of the Treasury for Certain Tax Purposes

Pursuant to 42 U.S.C. § 653(h)(3), information may be disclosed to the Secretary of Treasury for the purpose of administering sections of the Internal Revenue Code which grant tax benefits based on support or residence of children.

9. Disclosure for Authorized Research Purposes

Pursuant to 42 U.S.C. § 653(j)(5), data in the FCR may be disclosed, without personal identifiers, for research purposes found by the Secretary to be likely to contribute to achieving the purposes of 42 U.S.C. §§ 651

through 669b (Title IV-D of the Social Security Act, Child Support and Establishment of Paternity) and 42 U.S.C. §§ 601 through 619 (Title IV-A of the Social Security Act, Temporary Assistance for Needy Families).

10. Disclosure to a Foreign Reciprocating Country for Child Support Purposes

Pursuant to 42 U.S.C. § 659a(c)(2), information on the state of residence of an individual sought for support enforcement purposes in cases involving residents of the United States and residents of foreign countries that are the subject of a declaration may be disclosed to a foreign reciprocating country.

11. Disclosure for Law Enforcement Purpose

Records may be disclosed to the appropriate federal, state, local, tribal, or foreign agency responsible for identifying, investigating, prosecuting, enforcing or implementing a statute, rule, regulation or order, if the information is relevant to a violation or potential violation of civil or criminal law or regulation within the jurisdiction of the receiving entity.

12. Disclosure to Department of Justice

Records may be disclosed to support the Department of Justice when: (1) HHS, or any component thereof; or (2) any employee of HHS in his or her official capacity; or (3) any employee of HHS in his or her individual capacity where the Department of Justice or HHS has agreed to represent the employee; or (4) the United States is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by HHS to be relevant and necessary to the litigation; provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.

13. Disclosure to Court or Adjudicative Body

Records may be disclosed to a court or adjudicative body when: (1) HHS, or any component thereof; or (2) any employee of HHS in his or her official capacity; or (3) any employee of HHS in his or her individual capacity where the Department of Justice or HHS has agreed to represent the employee; or (4) the United States is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by HHS to be relevant and necessary to the litigation; provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.

14. Disclosure to Contractor to Perform Duties

Records may be disclosed to a contractor performing or working on a contract for HHS and who has a need to have access to the information in the performance of its duties or activities for HHS in accordance with law and with the contract.

15. Disclosure in the Event of a Security Breach

Records may be disclosed to appropriate federal agencies and Department contractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information maintained in this system of records and the information disclosed is relevant and necessary for that assistance.

Disclosures to Consumer Reporting Agencies:

None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored electronically at the Social Security Administration's National Computer Center. Historical logs and system backups are stored off-site at an alternate location.

Retrievability:

Records can be retrieved by an identification number assigned to a child support case by the state child support agency or an SSN of an individual.

Safeguards: Specific administrative, technical and physical controls are in place to ensure that the records collected and maintained in the FCR are secure from unauthorized access.

Access to the records is restricted to authorized personnel who are advised of the confidentiality of the records and the civil and criminal penalties for misuse and who sign a nondisclosure oath to that effect. Personnel are provided privacy and security training before being granted access to the records and annually thereafter.

Logical access controls are in place to limit access to the records to authorized personnel and to prevent browsing. The records are processed and stored in a secure environment.

All records are stored in an area that is physically safe from access by unauthorized persons at all times.

Safeguards conform to the HHS Information Security Program,
<http://www.hhs.gov/ocio/securityprivacy/index.html>.

Retention and Disposal: (1) Records provided from state child support agencies. (a) Electronic records furnished by the state child support agency containing

child support case and order information (input files) are retained for 60 days and then deleted. (b) State agency records (as posted to the FCR) remain within the FCR until removed, upon notification by the state agency that the case is closed and notifies OCSE to remove it from the FCR, provided that, upon request, a sample may be retained for research purposes found by OCSE to be likely to contribute to achieving the purposes of child support programs or the TANF program, but without personal identifiers. (c) Records pertaining to closed cases are archived on the fiscal year basis and retained for two years. Family violence indicators are removed from the individual's record, upon request by the state that initiated the indicator. (2) Locate requests and match results. (a) Locate requests submitted by state child support agencies and other authorized persons are retained for 60 days and are then deleted. (b) Audit trail records of locate requests and disclosures of match results pursuant to those requests, which include indications of which federal agencies were contacted for locate information, whether information was located, and the type(s) of information returned to the requesting entity are archived once a year based on the fiscal year. The records are retained for two completed fiscal years and then destroyed. These records indicate the type of information located for the authorized user, not the information itself. (c) Records containing information from the NDNH or from other agencies obtained pursuant to locate requests are provided to authorized persons through the FCR. Copies of records provided are then retained within the FCR for the purpose of electronically filtering and suppressing redundant information from being provided. NDNH information is retained within the FCR for one year and information from other agencies is retained for up to three years. Thereafter such information is deleted. (3) Match results generated as a result of FCR to

FCR comparisons which locate individuals who are participants in child support cases or orders in more than one state are transmitted to the relevant states. Copies of FCR to FCR match results are retained for 60 days and then deleted. (4) Any record relating or potentially relating to a fraud or abuse investigation or a pending or ongoing legal action including a class action, is retained until conclusion of the investigation or legal action. (5) Copies of the FCR records transmitted annually to the IRS for the purpose of administering the earned income tax credit (routine use 12) are retained for one year and then deleted.

System manager(s) and address:

Director, Division of Federal Systems, Office of Automation and Program Operations,
Office of Child Support Enforcement, Administration for Children and Families,
Department of Health and Human Services, 370 L'Enfant Promenade, S.W., 4th Floor
East, Washington, DC 20447.

Notification procedures:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the System Manager. The request should include the name, telephone number and/or email address, SSN, and address of the individual, and the request must be signed by the individual to whom such information pertains. The requester's letter must provide sufficient particulars to enable

the System Manager to distinguish between records on subject individuals with the same name. Verification of identity as described in HHS's Privacy Act regulations may be required. 45 CFR § 5b.5.

Record access procedures:

Individuals seeking access to a record about themselves in this system of records should address written inquiries to the System Manager. The request should include the name, telephone number and/or email address, SSN, and address of the individual, and should be signed by the individual to whom such information pertains. The requester's letter must provide sufficient particulars to enable the System Manager to distinguish between records on subject individuals with the same name. Verification of identity as described in HHS's Privacy Act regulations may be required. 45 CFR § 5b.5.

Contesting record procedures:

Individuals seeking to amend a record about themselves in this system of records should address the request for amendment to the System Manager. The request should 1) include the name, telephone number and/or email address, SSN, and address of the individual, and should be signed by the individual to whom such information pertains; 2) identify the system of records that the individual believes includes his or her records or otherwise provide enough information to enable the identification of the individual's record; 3) identify the information that the individual believes is not accurate, relevant,

timely, or complete; 4) indicate what corrective action is sought; and 5) include supporting justification or documentation for the requested amendment. Verification of identity as described in HHS's Privacy Act regulations may be required. 45 CFR § 5b.5.

Record source categories:

Records maintained within the FCR are furnished by state child support agencies. Records disseminated from the FCR for the purpose of providing locate information from the NDNH and other federal agencies are furnished by departments, agencies, or instrumentalities of the United States or any state, employers, financial institutions, and insurers or their agents. Records maintained for the purpose of filtering redundant data are also furnished by these sources.

Exemptions claimed for the system:

The portions of this system consisting of investigatory material compiled for law enforcement purposes have been exempted pursuant to 5 U.S.C. § 552a(k)(2) from the following provisions of the Privacy Act, subject to the limitations set forth in that subsection and to the limitation in 42 U.S.C. § 653(b)(2): 5 U.S.C. 552a(c)(3) and (d).