NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
December 8, 2015

IM 5267

TO: County Social Service Directors
Economic Assistance Policy Regional Representatives
Economic Assistance Policy Quality Control Reviewers

FROM: Carol Cartledge, Director, Economic Assistance

SUBJECT: Sharing of information with Child Welfare Agencies

PROGRAMS: TANF

EFFECTIVE: Immediately

RETENTION: Until superseded

SECTIONS AFFECTED: 400-19-15-15, Confidentiality
448-01-25-10-10-30, Temporary Assistance for Needy Families (TANF)

The Administration for Children and Families is encouraging TANF agencies and child welfare agencies authorized under titles IV-B (Child Welfare Services) and IV-E (Foster Care and Adoption Assistance) of the Social Security Act to coordinate, collaborate and share data on the children, youth and families that they serve.

Through improved data sharing and collaboration, TANF and child welfare agencies can improve their effectiveness in meeting their respective missions and, more importantly, the needs of the children and families that they serve.

Based on federal guidance, it is permissible to share TANF information with child welfare staff under Children and Family Services, county social services offices and Tribal child welfare agencies.

Policy sections below will be changed as follows:

400-19-15-15 Confidentiality

Federal and state law recognizes the privacy rights of individuals who receive services and assistance under programs administered by the Department. **Information concerning households receiving TANF may be released only for purposes directly connected with the administration of the program or to public child welfare agencies. Public child welfare agencies are defined as agencies authorized under titles IV-B (Child Welfare Services) and IV-E (Foster Care and Adoption Assistance).** For further information regarding TANF confidentiality policies, refer to Administrative Manual Section 448-01-25-10-10-30.

In accordance with agreements with the Social Security Administration (SSA), the Internal Revenue Service (IRS), Vital Statistics and Job Service North Dakota Unemployment Insurance Benefits (UIB), information cannot be released to the applicant or recipient or any other agency and can only be used for the purpose of determining eligibility.

For additional information, including guidelines to county personnel who are subpoenaed to testify in court, see:

1. Service Chapter 110-01, Confidentiality, located on the County Intranet in the 'Legal' folder;

2. Service Chapter 448-01-25, Confidentiality and Safeguarding Information.

3. North Dakota Administrative Code (N.D.A.C.) Section 75-01-02.

4. North Dakota Century Code, Section 50-06-15.

448-01-25-10-10-30 Temporary Assistance for Needy Families (TANF)

North Dakota Department of Human Services including county Eligibility Staff may exchange information regarding a client to another unit of the Department upon a showing that the requesting unit has a need to know the information in order to perform its duties, for payment purposes, or to administer its program. In most situations, no written authorization by the

client shall be required prior to exchange of the requested information.

Information concerning households receiving TANF may be released only for purposes directly connected with the administration of the program or to public child welfare agencies. Public child welfare agencies are defined as agencies authorized under titles IV-B (Child Welfare Services) and IV-E (Foster Care and Adoption Assistance). Agencies and individuals other than those specified below, who are requesting information concerning households receiving TANF must obtain and provide a signed release of information **from the parent or individual, legal guardian or an agency who has care, custody and control of a child** prior to the information being disclosed. This includes:

1. Information regarding an individual who received assistance in one case and is now being added to another case, cannot be transferred from the old casefile to the new casefile without a signed release of information from the Primary Individual of the old case with the following exceptions:

Exception#1: The individual added to the new case is now an adult eligible in their own right and was a child in the previous case. If the individual indicates they received assistance in another case that individual's information can be added to the new case without a signed Release of Information.

Exception #2: Both parents of a child were part of the old case and the Primary Individual (PI) of the new case is the parent who was not the PI in the old case and no legal action has been filed (separation, divorce, etc.).

Note: Once legal action has been initiated, information from the old case cannot be added to the new case without a signed Release of Information from the parent who was the PI in the old case.

2. Information being requested by other individuals within the county social service office or a partner agency (~~county social workers,~~ housing assistance program staff, Professional Association of Treatment Homes (PATH), Division of Juvenile Services (DJS), Tribal Social Services staff, etc.), provided the information is not for the purpose of determining eligibility for the TANF Program, cannot be released without a signed release of information from the Primary Individual, with the following exceptions:

Exception #1: Information may be released to public child welfare

agencies. Public child welfare agencies are defined as agencies authorized under titles IV-B (Child Welfare Services) and IV-E (Foster Care and Adoption Assistance).

Exception #~~1~~2: Verification of a child's SSN and Birth may be shared with a social worker or eligibility worker within the county social service office in order to determine eligibility for Foster Care Assistance.

Exception #~~2~~3: When an eligibility case worker of a social service agency in another State or within North Dakota requests information regarding an individual applying for or receiving assistance:

a. If the individual was the Primary Individual (PI) of a case in North Dakota, any information contained in the casefile can be released without a signed Release of Information.
b. If the individual was not the PI of a case in North Dakota, only that individual's information can be released.

Exception #~~3~~4: When an employee of the Social Security Administration requests information regarding TANF benefits in order to determine eligibility for Social Security or Supplemental Security Income benefits, the information can be released without a signed Release of Information.

Exception #~~4~~5: Elected public officials. Refer to Service Chapter 110-01-25-05, (which is located on the County Intranet in the 'Legal' folder) for a list of elected public officials you may provide information without a release of information, and what information can be disclosed.

Note: If the elected public official is not listed in Service Chapter 110-01-25-05, information cannot be released without a signed release of information.

Exception #~~5~~6: Confidentiality provisions of the law allow for cooperation with and provision of pertinent information to the Child Support Enforcement Agency as a means of assisting in locating and obtaining support from an absent parent, establishing paternity, etc. Therefore, information may be released without a signed Release of Information.

Federal and State regulations authorize the Department to disclose the current address of a TANF recipient to state or local law enforcement officials at their request, and without written recipient consent. The law enforcement officer must provide the name and social security number of the recipient,

and must demonstrate all of the following:

1. The recipient is a fugitive felon, as defined by state law;

2. The officer's duties include the location or apprehension of the felon; and

3. The request is made pursuant to proper exercise of the officer's duties. (45 C.F.R. § 205.50).

If you have any questions, please contact your regional representative.