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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**DOJ 2-2018**  
CHAPTER 137  
DEPARTMENT OF JUSTICE

**FILED**  
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FILING CAPTION: Confidentiality of Records in the Child Support Program

EFFECTIVE DATE: 02/27/2018 THROUGH 08/25/2018

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**NEED FOR THE RULE(S):**

Failure to act may result in serious prejudice to the public interest or the interest of the parties. A temporary revision of OAR 137-055-1140 is necessary to effectively process a child support legal action.

**JUSTIFICATION OF TEMPORARY FILING:**

The amendment to OAR 137-055-1140 is needed immediately because the existing rule unnecessarily limits disclosure of pertinent information during a legal action which can prevent those legal actions from being timely processed.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

N/A

AMEND: 137-055-1140

**RULE TITLE:** Confidentiality of Records in the Child Support Program

**RULE SUMMARY:** 137-055-1140 is amended to clarify that certain personal information about the parties may be disclosed when it is for purposes directly connected to the administration of the Child Support Program, but otherwise should be redacted. It further clarifies that unless the full number is specifically required, all but the last four digits of a party's social security number, financial institution account information, or driver's license number must be redacted.

**RULE TEXT:**

- (1)(a) As used in this rule, "employee" means a person employed by the Department of Justice (DOJ) or a district attorney office that provides Child Support Program services;
- (b) "Party" has the meaning given in OAR 137-055-1020, or a party's attorney.
- (2) For purposes of this rule, "case record" means all information residing in all Child Support Program computer systems, electronic data storage, and paper files, including but not limited to:
  - (a) The names of the obligor, beneficiary and obligee or other payee;
  - (b) The addresses of the obligor, beneficiary and obligee or other payee;
  - (c) The contact address and address of service of the obligee, beneficiary or obligor;

- (d) The name and address of the obligor's or obligee's employer;
  - (e) The social security numbers of the obligor, the obligee and beneficiaries;
  - (f) The record of all legal and collection actions taken on the case;
  - (g) The record of all accrual and billings, payments, distribution and disbursement of payments;
  - (h) The narrative record; and
  - (i) The contents of any paper file relating to a child support case.
  - (j) All information extracted from other agencies' electronic records, as defined in ORS 84.004.
- (3) Child support case records are confidential and may not be disclosed or used except for purposes directly connected to the administration of the Child Support Program.
- (4) For purposes of this rule, "purposes directly connected to the administration of the Child Support Program" includes the following:
- (a) The disclosure of information necessary to process a Child Support Program legal action.
  - (b) Information shared as provided in 45 CFR 303.21, ORS 25.260(5), OAR 137-055-1320, and 137-055-1360, or other agency rule;
  - (c) The disclosure of information related to an investigation, prosecution or criminal or civil proceeding conducted in connection with the administration of:
    - (A) Title IV-D of the Social Security Act (child support programs in Oregon and other states);
    - (B) Title IV-A of the Social Security Act (Temporary Assistance to Needy Families); or
    - (C) Title XIX of the Social Security Act (Medicaid programs).
  - (d) Information shared as required by state or federal statute or rule;
  - (e) The disclosure of information to elected federal and state legislators, the Governor, or the county commissioners to address a constituent complaint.
    - (A) Elected federal and state legislators and the Governor are considered to be within the chain of oversight of the Child Support Program. Information about a child support case may be shared with these elected officials and their staff in response to issues brought by constituents who are parties to the case;
    - (B) County commissioners serve in a representative for their constituents and are entitled to receive information necessary to respond to questions or concerns about child support cases received from their constituents. District Attorneys are DOJ sub-recipients. Therefore, Child Support Program Administration may also respond to constituent issues brought by county commissioners on District Attorney administered child support cases where the constituent is a party.
  - (f) The disclosure of information to a party's interpreter.
  - (g) The disclosure of information to the executor of an estate or personal representative of a deceased party that the deceased party would have been entitled to receive.
  - (h) The disclosure of information to a private industry council as provided in 42 USC 654a(f)(5).
    - (A) The information released under this subsection may be provided to a private industry council only for the purpose of identifying and contacting noncustodial parents regarding participation of the noncustodial parents in welfare-to-work grants under 42 USC 603(a)(5).
    - (B) For the purposes of this subsection, "private industry council" means, with respect to a service delivery area, the private industry council or local workforce investment board established for the service delivery area pursuant to Title I of the Workforce Investment Act (29 USC 2801, et seq.). "Private industry council" includes workforce centers and one-stop career centers.
  - (i) The disclosure of information about a child support case to a party to that case.
- (5) Except as specifically required or authorized by statute or rule, the following personal information about the parties and child unrelated to a purpose under section (4) should be redacted from documents before release. Information about a party need not be redacted when releasing information to that party.
- (a) Residence or mailing address;
  - (b) Social security number;

- (c) Telephone number;
  - (d) Employer's name, address and telephone number;
  - (e) Financial institution account information;
  - (f) Driver's license number;
  - (g) Date of birth;
  - (h) Day care provider's name and address; and
  - (i) Any other information which may identify the location of the minor child or party.
- (6) All but the last four digits must be redacted from information described in (5)(b), (5)(e), and (5)(f) whenever the information is released, unless the full number is specifically required or authorized by law or is otherwise necessary.
- (7) Case status and payment history may be provided to a party via the Child Support Program web page if appropriate personal identifiers, such as social security number, case number, or date of birth are provided in order to access such information.
- (8) Where there is a finding of risk and order for nondisclosure of information pursuant to OAR 137-055-1160, all nondisclosable information must be redacted before documents are released.
- (9) Requestors may be required to pay for the actual costs of staff time and materials to produce copies of case records before documents are released.
- (10) Information that would normally be disclosed to a party to a child support case can be disclosed to a non-party who contacts the Child Support Program on behalf of the party if:
- (a) The party has granted written consent to release the information to the person;
  - (b) The person is the current spouse or domestic partner of the party, who is residing with the party, or a parent or legal guardian of the party, and provides the party's Social Security number or child support case number; or
  - (c) The person has power of attorney for the party, the duration and scope of which authorizes release of the requested information from a case record at the time that the person requests such information. The power of attorney remains in effect until a written request to withdraw the power of attorney is submitted by the party or by the person, unless otherwise noted on the power of attorney.
- (11) A child support case account balance is derived from the child support judgment, which is public information, and from the record of payments, which is not. Therefore, the case balance is not public information, is confidential and may not be released to persons not a party except as otherwise provided in this rule.
- (12) Information obtained from the Internal Revenue Service and/or the Oregon Department of Revenue is subject to confidentiality rules imposed by those agencies even if those rules are more restrictive than the standards set in this rule, and may not be released for purposes other than those specified by those agencies.
- (13) Criminal record information obtained from the Law Enforcement Data System or any other law enforcement source may be used for child support purposes only and may not be disclosed to parties or any other person or agency outside of the Child Support Program. Information about the prosecution of child support related crimes initiated by the administrator may be released to parties in the child support case.
- (14) Employees with access to computer records or records of any other nature available to them as employees may not access such records that pertain to their own child support case or the child support case of any relative or other person with whom the employee has a personal friendship or business association. No employee may perform casework on their own child support case or the case of any relative or other person with whom the employee has a personal friendship or business association.
- (15) When an employee receives information that gives reasonable cause to believe that a child has suffered abuse as defined in ORS 419B.005(1)(a) the employee must make a report to the Department of Human Services as the agency that provides child welfare services and, if appropriate, to a law enforcement agency if abuse is witnessed while providing program services.
- (16) Employees who are subject to the Oregon Rules of Professional Conduct must comply with those rules regarding mandatory reporting of child abuse.
- (17) If an employee discloses or uses the contents of any child support records, files, papers or communications in

violation of this rule, the employee is subject to progressive discipline, up to and including dismissal from employment.

(18) To ensure knowledge of the requirements of this rule, employees with access to computer records, or records of any other nature available to them as employees, are required annually to:

(a) Review this rule and the Child Support Program's automated tutorial on confidentiality;

(b) Complete with 100 percent success the Child Support Program's automated examination on confidentiality; and

(c) Complete the certificate acknowledging confidentiality requirements. The certificate must be in the form prescribed by the Child Support Program.

(19)(a) For DOJ employees, each certificate of completion must be forwarded to DOJ Human Resources, with a copy kept in the employee's local office drop file or saved in an electronic format;

(b) For district attorney employees, each certificate of completion must be kept in accordance with county personnel practices.

(20) Notwithstanding any other provision of this rule, an employee may release a party's name and address to a local law enforcement agency when necessary to prevent a criminal act that is likely to result in death or substantial bodily harm.

STATUTORY/OTHER AUTHORITY: ORS 25.260, 180.345

STATUTES/OTHER IMPLEMENTED: ORS 25.260, 127.005, 411.320