

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 2:</b> Administration of Child Welfare	<b>Effective date:</b> September 1, 2008
	<b>Section 7:</b> Confidentiality of Social Security Numbers	<b>Version:</b> 2

<b>POLICY</b>
---------------

The Indiana Department of Child Services (DCS) will comply with state legislation with regard to the release of Social Security numbers. DCS staff may not disclose an individual's Social Security number unless written consent is received or such disclosure falls under the established exceptions.

**EXCEPTION:** Unless prohibited by state law, federal law, or court order, the following apply:

1. DCS staff may disclose the Social Security number of an individual to a state, local, or federal agency;
2. DCS staff may disclose the Social Security number of an individual to the judicial or legislative branches of government; and
3. A state law enforcement agency may, for purposes of furthering an investigation, disclose the Social Security number of an individual to any individual, state, local, or federal agency, or other legal entity.

A DCS worker may disclose the Social Security number of an individual if any of the following apply:

1. A resource family requests the Social Security number for purposes of claiming the child as an exemption for tax purposes;
2. The disclosure of the Social Security number is expressly required by state law, federal law, or a court order;
3. The individual expressly consents in writing for the disclosure of the individual's or his/her minor child(ren)'s Social Security number. The signed release may be valid for up to two (2) years from the date it was signed;
4. The disclosure of the Social Security number is made to comply with:
  - a. The USA Patriot Act, and
  - b. Presidential Executive Order.
5. The Social Security number may be disclosed to a commercial entity for the permissible uses set forth in the:
  - a. Drivers Privacy Protection Act,
  - b. Fair Credit Reporting Act, and
  - c. Financial Modernization Act.
6. The Social Security number may be disclosed for the purpose of administration of the health benefits for state agency employees or their dependents.

DCS staff must remove or permanently obscure an individual's Social Security number on a public record prior to disclosing the record. Disclosure of the last four (4) digits of a person's

Social Security number is not considered a disclosure of the Social Security number under this statute.

#### Code References

1. [IC 4-1-10-2: Definition of state agency](#)
2. [IC 4-1-10-3: Non-disclosure of social security number](#)
3. [IC 4-1-10-4: Exceptions to nondisclosures of social security numbers](#)
4. [IC 4-1-10-5: Permitted disclosures](#)

### **PROCEDURE**

If DCS is going to provide/broker services for the family or there is a specific need to release Social Security numbers, the Family Case Manager (FCM) must obtain a signed [Consent to Release Social Security Number \(SF53254/CW 3230\)](#) form from the parent or legal guardian for the purpose of authorizing the release of the Social Security number for the individual or any minor children of the individual. In cases in which parental rights have been terminated, the FCM will complete the consent form. If a parent or legal guardian refuses to sign the consent form for the minor children, the FCM must obtain court authorization to release the Social Security number or the court must order the parent or legal guardian to sign the consent.

#### **Social Security Administration (SSA) Data Access Audit**

DCS established an agreement to establish terms, conditions, and safeguards under which the SSA agrees to disclose information relating to the verification of income and eligibility factors for state-administered programs authorized by sections 453 and 1137 of the Social Security Act (the Act); verifying Social Security numbers of applicants for, and recipients of, benefits under which programs ; and defining safeguards against unauthorized use and redisclosure of such information by DCS. This computer matching agreement is executed under the Privacy Act of 1974, 5 U.S.C. § 552a, as amended by the Computer Matching and Privacy Protection Act of 1988 (CMPPA), and related regulations. Below is the procedure for the SSA Data Access Audit.

Family and Social Services Administration (FSSA) will initiate a monthly random pull of 20 Indiana Client Eligibility System (ICES) records accessed by DCS employees.

DCS Central Office will:

1. Verify the proper usage of SSA data by DCS employees;
2. Send an electronic letter to the DCS Local Office Director and Regional Manager of the DCS employee, if DCS Central Office is unable to determine proper usage of SSA data; and
3. Forward the request to the Deputy Director of Field Operations and the Executive Staff, if a response is not received from the Director and/or Regional Manager of the DCS employee.

The DCS Local Office Director and/or Regional Manager will respond to the letter from DCS Central Office within ten (10) business days.

The Deputy Director of Field Operations and the Executive Staff will inquire if there is a delay from the Director and Regional Manager.

## PRACTICE GUIDANCE

N/A

## FORMS AND TOOLS

[Consent to Release Social Security Number \(SF53254/CW 3230\)](#)

## RELATED INFORMATION

Penalty levels for violation of this legislation are established as follows:

1. Any state employee who knowingly, intentionally, or recklessly discloses a Social Security number commits a Class D felony which is punishable by up to one (1) year in jail;
2. Any person who knowingly, intentionally, or recklessly makes a false presentation to a state agency to obtain a Social Security number from the agency commits a Class D felony which is punishable by up to one (1) year in jail; and
3. Any employee of a state agency who negligently discloses a Social Security number commits a Class A infraction which is punishable by the levying of a fine.

If a questionable disclosure occurs, Indiana Administrative Code (IAC) controls what steps must be taken. Report the questionable disclosure to the Supervisor, DCS Local Office Director, and Regional Manager. Central Office must be advised.

**Note:** Disclosure includes handing a person a copy of information as well as allowing the person to view and verbally releasing the information.

### **Release of Child's Social Security Number to Resource Parent for Tax Purposes**

If a request is received from a resource parent requesting a child's social security number to claim the child as an exemption for tax purposes, the FCM will require that the resource parent make this request in writing. The request from the resource parent should state why the resource parent is requesting the child's social security number (i.e. – for income tax purposes).

### **Release of Child's Social Security Number to Contractors**

DCS will disclose a child's social security number to a Contractor if it relates to the child and the child's care and treatment while placed in Contractor's facility. Such information shall be released but not limited to, the following situations:

1. For children age sixteen and older if the case plan requires Contractor to assist the child in finding employment;
2. For children enrolled in the Medicaid program as needed for program enrollment and for on-going confirmation of enrollment status; or
3. For children for whom the rights of the parents have been terminated, the state may consent to release of the child's social security number pursuant to an exception set forth in [IC 4-1-10 Release of Social Security Number](#).