

WAC 388-14A-7500 What can I do if I am concerned about the release of my personal information in an intergovernmental referral?

(1) When the division of child support (DCS) refers a case to an Indian tribe or another state or country, DCS must provide personal information regarding the parties to that other jurisdiction. DCS notifies the party residing in Washington that we are preparing to refer your case and that we must release your personal information.

(2) If you believe that it would be dangerous for DCS to release your personal information to the responding jurisdiction (RJ), you may make a request for nondisclosure of your personal information under RCW 26.21A.255.

(3) The way DCS handles your request for nondisclosure depends on what version of the Uniform Interstate Family Support Act (UIFSA) has been adopted by the RJ where DCS is referring your case.

(a) The RJ may have enacted a version of UIFSA which is similar to the version enacted by the state of Washington as chapter 26.21A RCW (known as "UIFSA 2001");

(b) The RJ may have enacted a version of UIFSA which is similar to the version which was formerly enacted by the state of Washington as chapter 26.21 RCW (known as "UIFSA 1996"); or

(c) The RJ may not have enacted UIFSA or any similar law.

(4) If DCS is making an intergovernmental referral to an RJ which has enacted UIFSA 2001:

(a) DCS must disclose your personal information to the RJ.

(b) DCS sends to the RJ a declaration for nondisclosure of information which you have signed under penalty of perjury.

(c) The RJ must seal your personal information and may not disclose that information to the other party or to the public unless a tribunal orders disclosure of the information in the interest of justice, after a hearing in which the tribunal considers your (or your child's) health, safety and liberty.

(5) If DCS is making an intergovernmental referral to an RJ which has enacted UIFSA 1996:

(a) DCS holds a conference board under WAC 388-14A-6400.

(b) If the conference board finds that your (or your child's) health, safety or liberty would be unreasonably put at risk by the disclosure of the information, the conference board issues a nondisclosure finding.

(c) DCS does not disclose your personal information to the RJ, and instead provides the RJ with the nondisclosure finding.

(6) If DCS is making an intergovernmental referral to an RJ which has not adopted UIFSA or a similar law, DCS follows the procedure set out in subsection (5) of this section.

[Statutory Authority: RCW 26.23.120, 34.05.350 (1)(b), 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310 and 45 C.F.R. Parts 301.1, 302.36, 303.7, 303.11, 305.63, and 308.2. WSR 13-01-075, § 388-14A-7500, filed 12/18/12, effective 1/18/13. Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. WSR 07-08-055, § 388-14A-7500, filed 3/29/07, effective 4/29/07.]