



**Open Records: Sharing & Dealing with Confidential Information**

Stacie Alexander, Central Registry Director  
Kassi White, Central Registry Program Coordinator

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**Safeguarding & Disclosure of Confidential Information**

- Any information pertaining to participants is confidential
- Disclosure of identifying information is prohibited
- Safeguards are used to restrict use of such information
- Must be used only for official business
- Written consent is an exception

Tenn. Code Ann. § 71-1-131



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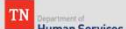
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**Confidentiality of Records**

- Tenn. Code Ann. § 71-1-131**

**(a)(1)(C)** Except as limited by subdivision (a)(2), the department, its contractors or agents **may** disclose any information in the records of the Title IV-D child or spousal support records for purposes directly connected with the establishment of paternity or the establishment, modification, or enforcement of child or spousal support in any judicial or administrative proceeding or for the administration of any part of the child support program.



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## Nondisclosure of Information in Exceptional Circumstances

- Court records are open to inspection except as otherwise provided by law.
- **Tenn. Code Ann. § 36-5-2312 Nondisclosure of information in exceptional circumstances**  
If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, that information must be sealed and may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.



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## Domestic Violence

How many people are physically abused by an intimate partner every minute?

**20**

Per FBI data, what percent of all hostage takings in the U.S. are related to domestic violence situations?

**75-90 %**

What percent of domestic violence also include child abuse?

**30-60 %**

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## Kinds of Domestic Violence



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## DOMESTIC VIOLENCE IN TENNESSEE

Tennessee ranks in the top ten for domestic violence rates in the United States.



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## Domestic Violence in Tennessee

- Intimate partner violence and/or stalking within their lifetime:
  - **39.6% of Tennessee women**
  - **36.8% of Tennessee men**
- Tennesseans murdered in domestic violence incidents in 2020:
  - **90**
- Law enforcement **reports** of domestic violence in 2020:
  - **69,385**
- Domestic violence abductions **reported** by Tennessee law enforcement:
  - **1420**

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## Family Violence Safeguards

45 C.F.R. § 303.21 (e)

- Prohibition for release of information when disclosure could be harmful to a party or child
- Family Violence Indicator (FVI) on participants in child support computer system
- Penalties for unauthorized disclosure. Any disclosure or use of confidential information in violation of 42 U.S.C. 653(l)(2) and implementing regulations shall be subject to:
  - (1) Any State and Federal statutes that impose legal sanctions for such disclosure; and
  - (2) The maximum civil monetary penalties associated with the statutory provisions authorizing civil monetary penalties under 42 U.S.C. 653(l)(2) as shown in the table at 45 CFR 102.3.

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### Family Violence Indicator (FVI)

- T.C.A 36-5-2312 prohibits disclosure of identifying information which may jeopardize a participant or child.
- The personal identifying information (PII) must be sealed and not disclosed to the other participant or the public.
- Not always the other party
- Tribunal has authority to disclose AFTER a hearing is held in which the health, safety, or liberty of the participant or child is considered.



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### Determination to Add FVI

- Order of Protection
- Temporary Restraining Order
- Police Report
- Statement of Potential Harm (internal form)
- Self-reporting with follow-up documentation



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### Legal Actions on Cases with FVI

- Documents submitted containing PII must be submitted to the court in a sealed envelope
- Envelope is labeled "Disclosure is prohibited in accordance with T.C.A. 36-5-2312"
- Includes Exhibit A and the Personal Information Form for UIFSA § 311



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### Intergovernmental Cases

- Nondisclosure
- Personal Information Form

**PERSONAL INFORMATION FORM FOR UIFSA § 311 – TO BE FILED WITH A TRIBUNAL**  
☐ Nondisclosure finding/affidavit attached

**THIS FORM CONTAINS SENSITIVE INFORMATION – DO NOT FILE THIS FORM IN A PUBLIC ACCESS FILE**  
 The information on this form is filed with the petition or pleading and may be disclosed to the parties in the case, unless accompanied by a nondisclosure finding/affidavit.  
 If you are not the intended recipient, you are hereby notified that any use, disclosure, distribution, or copying of this form or its contents is strictly prohibited.

 TN Department of Human Services

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### FTI and Court Proceedings

- Involuntary payments
- May not be disclosed in **any** court proceeding
- Only payment date and amount for all payment sources
- Pay record only when no source codes for any individual payments



 TN Department of Human Services

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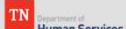
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### Safe at Home

- Secretary of State
- Address Confidentiality Program
- Substitute Address for official mailing address
- Provides victims a sense of security in their own homes

**<https://SOS.TN.Gov/SafeAtHome>**

 TN Department of Human Services

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**Contact Information**

**Stacie Alexander**  
Central Registry Director  
(615) 742-4431  
[Stacie.Alexander@tn.gov](mailto:Stacie.Alexander@tn.gov)

**Kassi White**  
Central Registry Program Coordinator  
(615) 313-3815  
[Kassi.White@tn.gov](mailto:Kassi.White@tn.gov)



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