

# Office of Child Support **POLICY SHEET**

## SUBJECT

**Authority to Speak on Behalf of Parties**

**PS# 05-03**

## POLICY

**Can another person, if authorized to do so by the customer, ever speak on behalf of the customer?**

A customer can complete an “Authorization for a Third Party to Discuss Case Information” form to allow a designee, that is not employed by OCS, the ability to discuss either limited case information or to the extent allowed by law under a current Power of Attorney or Appointment of Guardianship.<sup>1</sup>

## PROCEDURES

### Authorization

Unless otherwise detailed below, a complete, notarized “Authorization for a Third Party to Discuss Case Information” form, OCS Form 904, must be imaged to the case prior to any case information being discussed with a third party. The 904 may only be sent to the customer making the authorization request. A separate 904 must be completed for each individual designation. If more than one designee is listed on the form, or the required attachments are not provided, the form is invalid and should be returned to the customer. In the case of a Power of Attorney/ Appointment of Guardianship designation, a copy of the document authorizing the designee’s authority must also be on file for OCS to discuss the case.

### Case Information Shared

The customer must select the level of authorization that they are granting for their designee. The options are: Limited; or Power of Attorney/Appointment of Guardianship.

A Limited authorization allows the designee to:

- Make payments and inquire about payment receipts,
- Request a payment history,

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<sup>1</sup> This Policy does not apply to OCS’s communication with parties represented by counsel, which is addressed in Policy 11-02.

- Report contact information and employment changes, and
- Confirm location and scheduling details for scheduled court events.

A Power of Attorney/Appointment of Guardianship authorizes the designee (either the Agent or the Guardian) to discuss information to the extent allowed by law. An Agent's or Guardian's authority is outlined in the Power of Attorney form or the Guardianship appointment document(s). Generally, this will allow the designee (Agent or Guardian) the power for handling financial affairs only, but it may grant authority for broad decision-making authority, which also would include involvement in case decision-making and strategy.

### **What if the Customer is Incapacitated and Unable to Sign a 904?**

Whenever possible, the best practice is for the customer to sign a 904, notwithstanding the fact the customer has a power of attorney or legal guardian. However, there may be certain circumstances (such as a customer with a catastrophic injury, or a customer serving overseas in a remote location) where the customer may not be able to sign the 904. If we are contacted by the customer's agent/guardian and they insist that the customer is unable to sign the Form 904, please refer the case to the regional attorney for further analysis.

### **Tracking of Authorization**

When an authorization, and any accompanying documentation, is received at OCS, it must first be reviewed for completeness. If there is a question regarding the authority that a Power of Attorney/Appointment of Guardianship provides, it should be forwarded to the regional attorney for review.

The individual validating the authorization should image all documentation to the case and enter a case management red-flag outlining the following:

- The Customer (NCP or CP) with the designee
- The name of the designee,
- The level of authorization, and
- The date the authorization was approved and noted in ACTN.

### **Revocation**

The authorization remains valid until one of the following occurs:

1. The customer that authorized the designee notifies OCS in writing that they would like the authorization terminated; or
2. OCS terminates the authorization due to misuse or misrepresentation, or if the designee interacts inappropriately with OCS staff.

## **REFERENCE**

1 VSA. § 317 – Definitions; public agency; public records and documents.

45 CFR, Part 5 – Department of Health and Human Services Freedom of Information Regulations

<b>Date</b>	<b>Action</b>	<b>Description</b>
06/23/2005	Created	
11/10/2022	Revised	Revised 904, defined limited information, added tracking & revocation sections, added information related to Power of Attorney form and Appointment of Guardianship
07/11/2023	Revised	Clarified type of authorizations; reasons for revocation and specific information to be featured in redflags.