

Office of Child Support **POLICY SHEET**

SUBJECT

Request for Copy of Case File and Public Records Request

PS# 13-02

OCS must respond to requests for documents in its possession made by parties in OCS cases and/or members of the public with no OCS case.

Outside of pending court proceedings,¹ OCS's response to a records request depends upon the nature of the request as one falling within the scope of Vermont's Public Records Act or as one for documents specifically relating to an OCS case.

Vermont's Public Records Act, 1 V.S.A. §§ 315-320, entitles members of the public to receive copies of documents generated by State Government, subject to enumerated exceptions. Public records requests may be made by an individual who is or is not a party to an OCS case. OCS staff responds to such requests in coordination with the Office of the Commissioner of the Vermont Department for Children and Families.

In addition, parties in OCS cases are entitled to copies of documents generated or maintained as a result of OCS's work on their cases, subject to applicable law and policy relating to the confidentiality of these documents, such as IRS regulations, the Federal Health Insurance Portability and Accountability Act (HIPAA), other Federal law, and Vermont statutory law. OCS staff responds internally to requests for case-specific documents.

I. Overview

All records requests must be made in writing, including via email. If a records request is made to regional staff, the Regional Attorney will determine whether the request is a public records request or a request for case-specific information. A request made to OCS central office staff shall be forwarded to the Supervising Attorney, ACCESS No. 524, who will likewise conduct this initial review. OCS staff shall then process and respond to the request accordingly, as explained in Parts II and III below.

II. Public Records Requests

A public records request shall be forwarded to OCS's Managing Attorney, ACCESS No. 711, and the Executive Assistant to the DCF Commissioner for purposes of record-keeping and

¹ OCS's obligation to respond to a party's request for information in a pending court proceeding, known as a "discovery" request, is governed by rule or statute and is not addressed in this Policy.

monitoring. The Supervising Attorney or Managing Attorney, or both, shall work with OCS staff to respond to the request in compliance with 1 V.S.A. §§ 315-320.

III. Requests for Case-Specific Information

A. General Process

The following steps shall be taken in response to a request for case-specific information:

- The Regional Attorney shall contact the requesting party to clarify the scope of request, if appropriate;
- The Regional Attorney will make a request to the District Office Coordinator (DOC) to print off and/or compile all imaged documents in the case record.
- The DOC will provide the compiled documents to the OCS Regional Attorney.
- The Regional Attorney will review all documents to determine which will be provided to the requesting party consistent with the guidance stated in Part III.B below.
- The Regional Attorney will redact information from all documents that will be provided, consistent with the guidance stated in Part III.C below.
- If uncertain about whether to provide a document or about redacting it, or both, the Regional Attorney shall consult with a supervising attorney, and other staff, as necessary, before providing the document in question.
- The Regional Attorney will image, or have imaged, a complete copy of the redacted documents to be provided to the requesting party. The Regional Attorney will work with regional staff to provide these documents to the requesting party by an appropriate means, including by email or regular mail. The Regional Attorney shall exercise discretion in determining which regional staff, including the attorney, shall redact the documents provided to a party in accordance with this Policy. Responses sent by email must be encrypted by typing [Secure] in the subject line of the email.

B. Available Documents

As a neutral third-party which does not provide legal representation to parties, documents generated as part of OCS’s work generally should be provided to a requesting party, subject to limitations provided for by Vermont and Federal law and OCS policy regarding maintaining confidentiality of certain information. The Regional Attorney will determine which documents may be provided to the requesting party as provided in the chart below:

Document Type	Availability: Who May Receive These Documents?	Reasoning for Not Providing Documents
Medical records, including treatment records and medical bills	Requesting Party may receive requesting party’s own records or records provided by requesting party, including the child’s records	HIPAA
Correspondence, including email, between OCS and a party in an OCS case	Either Party	

ESD Records, such as Form 137, waiver documents, and other information relating to one's receipt of public assistance	Neither Party	These are not OCS's records. A party could request them directly from ESD.
Parties' Financial Information, including Form 813 and supporting documentation, including, but not limited to, pay stubs or tax documents, such as W-2 or tax return	Either Party, if it was filed in court	
System print-outs (i.e. 924c, 504, etc.)	Either Party	
Motions and correspondence filed with Court	Either Party	
Voluntary Acknowledgment of Parentage, or out-of-State equivalent thereof	Either Party	
Denial of Parentage	Either Party	
Hearing Notices	Either Party	
Court Orders	Either Party	
Administrative review decisions	Either Party	
Work product, defined as communication containing case analysis between OCS staff, or OCS and OSA staff, including case analysis, including, but not limited to hearing prep sheets, internal memoranda, emails, or communication on other electronic platforms, UIFSA transmittals, etc.	Neither Party	Privileged work product information pursuant to 1 V.S.A. § 317(4) and (c)(14)
Tax information not filed in court as a party's financial information	Neither Party	See OCS Policy: Safeguarding Information PS 10-03
Genetic testing results	Either Party, if previously filed in court	15C V.S.A. § 614
Copies of credit reports	Neither Party	15 U.S.C. § 1681b
Bank account information	Neither Party	See OCS Policy: Safeguarding Information PS 10-03

Correspondence from the DCF Family Services Division regarding response to reports of suspected abuse or neglect	Neither Party	33 V.S.A. § 4913(d)(1); Not OCS Records
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C. Redaction

Pursuant to OCS’s Policy Safeguarding Information PS 10-03, and Vermont and Federal law, the Regional Attorney shall redact the following information from any document to be provided to the requesting party:

1. Any and all social security numbers, including the social security number of the requesting party;
2. The address, including physical, mailing, and email address, and telephone number of any party who is not the requesting party; and
3. The following information included in documents such as the Form 504 (wage withholding notice): FEIN or Federal EIN (Federal Employer Identification Number); STEID; and SAN (System Access Number) and PIN (Personal Identification Number), used by parties for online account log in).
4. Any other information confidential by law or OCS policy.

Date	Action	Description
03/06/2013	Created	
05/04/2017	Revised	DCF/OCS Process Changes
03/08/2019	Revised	Added GT results/DOPs
12/09/2019	Revised	Removed \$5 process fee based on Governor’s Directive
09/13/2023	Revised	Clarified specific information to be redacted and released, OCS staff roles and responsibilities