



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

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SUSAN G. OSBORNE • Assistant Secretary for County Operations
for Human Services

March 18, 2022

DEAR COUNTY DIRECTOR OF SOCIAL SERVICES
ATTENTION: Child Support Managers and Supervisors

SUBJECT: Child Support Services and Text Messages

REQUIRED ACTION: Information Only Time Sensitive Immediate

Recently the subject of counties texting child support participants has arisen. The purpose of this communication is to address this topic and provide information surrounding this practice.

NCDHHS/CSS understands that text messaging is a very effective means of communication, and we are excited to announce that NCDHHS/CSS will be introducing text messaging notifications to child support participants within the next few months. NCDHHS/CSS surveyed all Counties to ensure that the text notifications capture necessary text messaging scripts and notifications needed by local offices. We appreciate all the feedback that you provided! The text messaging service will be handled exclusively by a NCDHHS vendor available through an existing DIT statewide term contract. NCDHHS/CSS would also like to remind Counties that child support participants currently have the ability to upload documents for their case through the web portal. Those documents are routed to the individual's case manager through a secured SSP link. This SSP link has been vetted by DIT and in compliance with NC DIT terms and conditions. This is an important feature of the NCDHHS/CSS portal and we want to ensure that Counties are aware that this capability exists.

There are a number of laws and regulations that entities must comply with when sending automated text messages to individuals. For example, compliance with the Telephone Consumer Protection Act requires that customers be required to opt into text messaging versus opting out of any text messaging system. Those opt-in agreements must be monitored, and records must be kept of all text messaging in case of possible litigation and/or a security breach. NCDHHS/CSS has worked to ensure that the text messaging notifications comply with these laws and regulations.

We have received inquiries regarding Counties entering in contracts with third-party vendors to text with child support case participants as well as using personal and county cellphones to text child support participants. In this regard, please remember that ACTS data, whether transmitted manually, via interface, or extraction and subsequent file delivery to a third-party vendor are all transmissions which consist of confidential child support information. Third-party contracts and/or sharing of data is covered in the Memorandum of Agreement (MOA) between the NC Department of Health and Human Services (DHHS) and the county Department of Social Services (DSS) that was dated February 1, 2021. A copy of

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF SOCIAL SERVICES • CHILD SUPPORT SERVICES

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the MOA is attached for reference. CSS is covered as a program under this MOA. Several important points to consider:

- Child Support information is comprised of state-owned data;
- Counties must adhere to any written standards or guidelines provided by NCDHHS regarding management and access to NCDHHS Information Systems. This also includes adherence with DIT requirements and usage restrictions;
- Encryption requirements; and
- **PRIOR** written permission from NCDHHS/CSS program is required for disclosure of NCDHHS data to any subcontractor (or third-party vendor) BEFORE entering into a contract. All approved subcontractors are also required to sign a copy of this MOA.
 - If written approval is granted, the contract must be vetted and provided to the CSS program for approval to ensure that all federal and state regulations surrounding security and program requirements are met.

Text messages, whether through a third-party vendor or directly between the county and a case participant, raise a myriad of security and privacy issues. Because text messages may include the transmission of PII and have the potential for possible disclosure of federal tax information (FTI), data must be transmitted safely and securely and comply with various rules and law, including but not limited to, NC DIT, DHHS requirements, the Internal Revenue Service (IRS) Publication 1075, Federal Information Security Management Act of 2002, state statutes, and CSS federal regulations. Additionally, cellphones may be lost or stolen, reassigned to another individual in the agency, or disposed of without being adequately erased.

To date, NCDHHS/CSS has not provided written permission for disclosure of NCDHHS data to any subcontractor, third-party vendor, or through a third-party agreement with a cellphone provider for the purpose of text messaging. Additionally, NCDHHS/CSS does not authorize agents/staff directly texting with individuals.

We are confident that the text messaging service provided by NCDHHS/CSS will be valuable to counties. Should you have questions or need additional information, please contact Kristen Sigmon at Kristen.sigmon@dhhs.nc.gov or Astra Wilson-Kirksey at astra.wilson-kirksey@dhhs.nc.gov.

Sincerely,



Carla L. West
Senior Director for Economic Security
North Carolina Child Support Director

Attachment

cc: IV-D Continuous Quality Improvement Specialists
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