

Summary of U.S. State Laws Related to Advocate Confidentiality

STATE	SUMMARY	PRIVILEGE	DEFINITIONS
<p>Alabama <i>Crime Counselor Confidentiality Act</i> Ala. Code 1975 §§15-23-40 To 46 (2013)</p> <p>See also Ala. R. Evid. 503A.</p> <hr/> <p>Ala. Code 1975 § 30-6-8 (2013) (funding for domestic violence facilities)</p>	<p>Privilege between sexual assault or family violence victim and victim counselor.</p> <p>Limited to criminal proceedings only.</p> <p>Shelter name, address, location and phone number cannot be compelled in any civil or criminal proceeding unless the facility is a party.</p> <hr/> <p>Privilege between domestic violence survivors and advocates for oral and written information, in both civil and criminal proceedings. Exceptions for state-mandated reporting and child abuse proceedings</p>	<p>Victim or victim counselor cannot be compelled to give testimony or to produce records concerning confidential communications for any purpose in any criminal proceeding.</p> <p>§30-6-8 applies to any criminal or civil proceeding. Does not apply to child abuse proceedings.</p> <hr/> <p>Oral communications between a domestic violence victim and an advocate and written reports and records concerning the victim may not be disclosed without the written consent of the victim. This privilege does not relieve a person from any duty imposed pursuant to Section 26-14-1 or Section 38-9-2. A victim or advocate may not claim this privilege when providing evidence in proceedings concerning child abuse, but may claim this privilege in all</p>	<p>Victim Counselor: Any employee or supervised volunteer of victim counseling center who is not affiliated with law enforcement or prosecutor and whose duties include treating victims for any emotional or psychological condition resulting from sexual assault or family violence.</p> <p>Confidential Communication: Any information exchanged between a victim and a victim counselor in private, which is disclosed in the course of the counselor's treatment of the victim for any emotional or psychological condition resulting from a sexual assault or family violence.</p> <hr/> <p>Advocate: An employee or volunteer of a program for victims of domestic violence receiving funds under this chapter who has a primary function of rendering advice, counseling, or assistance to victims of domestic violence; who supervises the employees or volunteers of the program; or who administers the program.</p>

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		other proceedings, both criminal and civil. This privilege expires upon the death of the victim.	
<p>Alaska <i>Compulsory disclosure of communications prohibited.</i> Alaska Stat. §§18.66.200-250 (2013)</p> <p>See also Alaska Stat. § 24.65.100-200 (2013) (Re: office of victim’s rights powers of investigations and duties to protect confidential information.)</p>	<p>Absolute Privilege between sexual assault or domestic violence victim and victim counselor.</p> <p>Consent required before counselor may testify or produce records for any purpose in any criminal, civil, legislative or administrative proceeding.</p> <p>Unless court finds necessary and relevant to facts of case, name address, location and phone number of shelter or victim counselor are privileged.</p>	<p>Victim or victim counselor may not be compelled to give testimony or to produce records concerning confidential communications for any purpose in any civil, criminal, legislative or administrative proceeding.</p>	<p>Victim Counselor: Any employee or supervised volunteer of victim counseling center who is not affiliated with law enforcement or prosecutor and whose duties include victim counseling. 40 hours of training required.</p> <p>Confidential Communication: Information exchanged between a victim and a private counselor in private, which is disclosed in the course of victim counseling.</p> <p>Victim counseling: support, assistance, advice, or treatment to alleviate the adverse effects of a sexual assault or domestic violence on the victim.</p>
<p>Arizona <i>Consultation between crime victim advocate and victim; privileged information; exception.</i></p> <p>Arizona Rev. Stat. §§ 13-4401, 13-4430 and 8-409 (juvenile offenses) (2013)</p>	<p>Privilege applies to communications between crime victim advocate and crime victim. Evidence of perjury and exculpatory evidence may be disclosed even without consent.</p> <p>Rights and status as “crime victim” are based on assessment of law enforcement or prosecutor probable cause and charging crime.</p>	<p>Crime victim advocate shall not disclose as a witness or otherwise any communication between the advocate and the victim (even communications made in the presence of others), including reports, records, notes or other documents, which contain opinions, theories or other information, made while advising, counseling, or assisting the victim. Exception exists for</p>	<p>Crime Victim Advocate: Person employed or authorized by a public or private entity to provide counseling, treatment or other supportive assistance to crime victims.</p> <p>Victim: Person against whom the criminal offense has been committed.</p> <p>Criminal Offense: conduct that gives peace officer or prosecutor probable</p>

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<p>----- <i>Communication by domestic violence victim to domestic violence advocate privileged in civil action.</i> Arizona Rev. Stat. § 12-2239 (2013)</p>	<p>----- Privilege applies to civil actions and communications by the domestic violence victim to a domestic violence advocate. Exceptions do apply, and a party can move for in camera review and disclosure.</p>	<p>----- information regarding perjured testimony by the victim and exculpatory evidence. ----- In a civil action, a domestic violence victim advocate shall not be examined as to any communication made by the domestic violence victim to the domestic violence advocate</p>	<p>----- cause to believe crime has occurred. ----- Domestic Violence Victim Advocate: employee or volunteer at a domestic violence shelter or service provider for victims of domestic violence who has 30 hours of training.</p>
<p>Arkansas <i>Arkansas Domestic Peace Act, Program Requirements, Arkansas Code § 9-4-106 (2013)</i></p>	<p>Shelters required to maintain confidentiality of names and other personal and identifying information about victims and the family members of victims who are served at the shelter</p>	<p>Written confidentiality agreement required for all advocates and volunteers who provide direct services to victims. The confidentiality agreement shall not apply to advocates who testify in court nor to disclosure from federal grant review, audit, or reporting</p>	
<p>California <i>Article 8.5, Sexual Assault Victim-Counselor Privilege</i> Cal. Evid. Code §§ 1035-1035.8; 1036 and 1036.2 (2013) See also Cal. Evid. Code § 912 (2013) (discussing standards for waiver and disclosure that does not waive privilege.)</p>	<p>Privilege between sexual assault counselor and victim. Court can compel disclosure after an in camera review if the probative value of the evidence outweighs the effect on the victim, the treatment relationship and the treatment services.</p>	<p>Victim of a sexual assault, whether or not a party, has a privilege to refuse to disclose, and to prevent another from disclosing a confidential communication between the victim and the counselor.</p>	<p>Confidential Communication: Information transmitted between the victim and the counselor in the course of their relationship by a means which discloses to no third persons except those present to further the interests of the victim or reasonably necessary to accomplish counselor's purpose. Sexual Assault Victim Counselor: Person engaged in rape crisis center that is certified. 40 hours of specified training or master's degree in</p>

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			<p>counseling, psychotherapist, or one year counseling experience (6 months of which is in rape crisis counseling).</p> <p>Holder of Privilege: Victim, victim’s guardian or conservator, or personal representative of victim if victim is dead.</p>
<p>California <i>Article 8.7, Domestic Violence Victim-Counselor Privilege,</i> Cal. Evid. Code §§ 1037-1037.8 (2013)</p>	<p>Privilege between domestic violence counselor and victim.</p> <p>Court can compel disclosure after an in camera review in some circumstances. Court can also compel when victim is dead or not complaining witness in criminal matter.</p>	<p>Victim of domestic violence, whether or not a party, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the victim and the counselor.</p> <p>The court may compel disclosure after in camera review when the probative value of the evidence outweighs the effect on the victim, the treatment relationship, and treatment services in the following circumstances:</p> <ol style="list-style-type: none"> 1) a criminal proceeding regarding a crime allegedly perpetrated against the victim or another household member, or 2) a proceeding related to child abuse. <p>Additionally, “[t]he court may compel disclosure if the victim is either dead or not the complaining witness in a criminal action against the perpetrator.”</p>	<p>Confidential Communication:</p> <p>Information transmitted between the victim and the domestic violence counselor in the course of their relationship by a means which discloses to no third persons except those present to further the interests of the victim or reasonably necessary to accomplish counselor’s purpose.</p> <p>Domestic Violence Counselor: Person engaged in a domestic violence organization that is certified. 40 hours of specified training or master’s degree in counseling, psychotherapist, or one year counseling experience (6 months of which is in domestic violence counseling).</p> <p>Holder of Privilege: Victim or victim’s guardian or conservator or personal representative of victim if victim is</p>

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			dead unless the guardian or conservator is accused of perpetrating the domestic violence against the victim.
<p>Colorado <i>Who May not Testify Without Consent</i>, Colo. Rev. Stat. § 13-90-107 (2013)</p>	<p>Privilege: A victim's advocate (domestic violence and sexual assault) shall not be examined by testimony or through records without the victim's consent.</p> <p>Separate privilege in same statute applies to licensed psychologists, professional counselors, marriage and family therapists, social workers, or unlicensed psychotherapists including group therapies.</p>	<p>A victim's advocate shall not be examined as to any communication made to such advocate by a victim of domestic violence or sexual assault, in person or through written records or reports without the victim's consent.</p>	<p>Victim's Advocate: Person at a battered women's shelter or rape crisis organization or a comparable community based advocacy program (not including any advocate employed by any law enforcement agency), whose primary function is to render advice, counsel or assistance, and who has 15 hours of training (for domestic violence advocates) or 30 hours of training (for sexual assault advocates). Includes supervisor or persons who meet requirements and must work under a supervisor.</p>
<p>Connecticut <i>Privileged Communications Between Battered Women's or Sexual Assault Counselor and Victim</i>, Conn. Gen. Stat. § 52-146k (2013).</p>	<p>Domestic violence or sexual assault counselor shall not disclose any confidential communication in any civil or criminal case or in any legislative or administrative proceeding unless the victim waives the privilege. Under no circumstances shall the location of the domestic violence center or rape crisis center be disclosed in any civil or criminal proceeding.</p> <p>In camera review allowed by defendant in sexual assault cases. State v. Whitaker, 520 A.2d 1018</p>	<p>Domestic violence or sexual assault counselor shall not disclose any confidential communication in any civil or criminal case or in any legislative or administrative proceeding unless the victim waives the privilege. Under no circumstances shall the location of the domestic violence agency or rape crisis center be disclosed in any civil or criminal proceeding. The privilege established by this section shall not apply: (1) In matters of proof concerning chain of custody of evidence; (2) in matters of</p>	<p>Confidential Communication: Information transmitted between a victim and a domestic violence or sexual assault counselor in the course of that relationship and in confidence, and includes all information received by, and any advice, report or working paper given or made by such counselor.</p> <p>Sexual assault or domestic violence counselors must be certified and have undergone 20 hours of specified training.</p>

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	(Conn. 1987); In re. Robert H., 509 A.2d 475 (Conn. 1986) [beware that these cases rely on 6 th Amendment and pre-date Pennsylvania v. Ritchie, 480 U.S. 39, 53, 107 S.Ct. 989, 94 L.Ed.2d 40 (1987) (plurality opinion)]	proof concerning the physical appearance of the victim at the time of the injury; or (3) where the domestic violence counselor or sexual assault counselor has knowledge that the victim has given perjured testimony and the defendant or the state has made an offer of proof that perjury may have been committed.	
<p>Delaware No law that directly addresses domestic violence or sexual assault victims. But see:</p> <p>11 Del. C. § 9403 (2013) <i>Non-disclosure of information about crime victim</i> (protects contact information about victim and victim's family, and for witnesses of crimes)</p>			
<p>District of Columbia <i>Domestic Violence Counselors</i>, D.C. Code Ann. §§ 14.307, 14.310 (2013)</p> <p><i>Brown v. United States</i>, 567 A.2d 426, 428 (D.C. 1989) (procedure for compelling disclosure of privileged information covered by §§ 14.307.)</p>	Privilege: A domestic violence counselor or mental health professional (which includes sexual assault counselors) shall not disclose any confidential communications, with few exceptions.	A domestic violence counselor may only disclose confidential communications (1) when it is required by statute or state law; (2) when the victim provides written consent; (3) when the third party is a person working in the domestic violence program or the police; or (4) when the victim files a lawsuit against a domestic violence counselor or a domestic violence program.	Confidential Communication: information exchanged between a victim and a domestic violence counselor during the course of the counselor providing counseling, support, and assistance to a victim, including all records kept by the counselor and the domestic violence program concerning the victim and services provided to the victim.

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<p>-----</p> <p><i>Mental Health Information</i>, D.C. Code Ann. §§ 7-1201.01 to 12008.07 (2013)</p>	<p>-----</p> <p>Privilege for sexual assault counselors who are or are supervised by licensed mental health professionals.</p>	<p>Also, 5 specific exceptions applying to both domestic violence and mental health professional qualified sexual assault counselors are listed in § 14.307.</p> <p>-----</p> <p>No sexual assault counselor who qualifies as a mental health professional or employee or agent of a mental health professional shall disclose or permit the disclosure of mental health information to any person, including an employer. Exceptions, details of waiver, penalties, and procedures laid out in statute.</p>	<p>Domestic violence counselor: employee, contractor, or volunteer of a domestic violence program who is rendering support, counsel, or assistance to a victim; must have at least 40 hours of training; must be licensed or working under supervision of someone with specified license.</p> <p>-----</p> <p>Rape crisis or sexual abuse counselor: undergone at least 40 hours of training and is under the supervision of a licensed social worker, nurse, psychiatrist, psychologist, or psychotherapist.</p>
<p>Florida <i>Sexual Assault Counselor-Victim Privilege</i>, Fla. Stat. Ann. § 90.5035 (2013)</p>	<p>Victim has privilege on a confidential communication made by the victim to a sexual assault counselor or any record made in the course of the counseling.</p> <p>In camera review not allowed unless defendant first establishes reasonable probability that privileged matters contain material information to his defense. <i>State v. Pinder</i>, 678 So.2d 410 (App. 4 Dist. 1996)</p>	<p>Victim has privilege to refuse to disclose and to prevent any other person from disclosing, a confidential communication made by the victim to a sexual assault counselor or trained volunteer and any record made in the course of counseling. Privilege also includes any advice given by the counselor in the course of the relationship.</p> <p>Written consent required for disclosure.</p>	<p>Confidential Communication: Is one between counselor and victim, which is not intended to be disclosed to third persons, with some third person exceptions defined in statute.</p> <p>Sexual Assault Counselor: Employee of a rape crisis center whose primary purpose is the rendering of advice, counseling or assistance to sexual assault victims.</p> <p>Trained Volunteer: Has 30 hours of</p>

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			required training, is supervised by staff, and is on a list of volunteers maintained at the program.
<p>Florida <i>Domestic Violence Advocate-Victim Privilege,</i> Fla. Stat. Ann. § 90.5036 (2013)</p>	<p>Victim has privilege on a confidential communication made by the victim to a domestic violence advocate or any record made in the course of counseling.</p> <p>See above, State v. Pinder likely to apply here as well.</p>	<p>Victim has privilege to refuse to disclose and to prevent any other person from disclosing, a confidential communication made by the victim to a domestic violence advocate or any record made in the course of counseling. Privilege also includes any advice given by the advocate in the course of the relationship. Advocate must be registered at the time the communication is made.</p>	<p>Confidential Communication: Is one between advocate and victim, which relates to the domestic violence incident and is not intended to be disclosed to third parties, with some third party exceptions defined in the statute.</p> <p>Domestic Violence Advocate: Employee or volunteer who had 30 hours of training in assisting victims of domestic violence and who is an employee or a volunteer of a domestic violence center whose primary purpose is the rendering of advice, counseling or assistance to domestic violence victims.</p> <p>Privilege only applies if advocate was registered under section 39.905 at the time of the communication.</p>
<p>Georgia <i>Communications between victims of family violence or sexual assault and agents providing services to such victims; termination of privilege</i> Ga. Code Ann., §24-5-509 (2013)</p>	<p>Victim has privilege to prevent disclosure of any evidence by an agent of family violence shelter or rape crisis center. Statute does allow for motion to disclose under limited circumstances and in camera review by court.</p>	<p>No agent of a program shall be compelled to disclose any evidence in a judicial proceeding that the agent acquired while providing services to a victim, provided that such evidence was necessary to enable the agent to render services, unless the privilege has been waived by the victim, or</p>	<p>Agent: An employee or volunteer of a program who has completed requisite 20 hours of certified training.</p>

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<p>See also OCGA § 46-5-7 (2013)(phone service providers required to keep shelter locations confidential</p>	<p>Privilege terminates upon death of the victim.</p>	<p>upon motion by a party, the court finds [circumstances outlined in the statute which differ for criminal and civil court] by a preponderance of the evidence.</p> <p>Mere presence of a third person does not void privilege if it was in a setting where the victim had a reasonable expectation of privacy .</p>	
<p>Hawaii <i>Victim-Counselor Privilege</i>, Hawaii Rev. Stat., Rules of Evid., Rule 505.5 (2013)</p>	<p>Privilege covers domestic violence, sexual assault, or child abuse or neglect counseling, as well as the name, location or telephone number of a shelter.</p> <p>State v. Peseti, 65 P.3d 119 (Haw. 2004) creates procedure for <i>in camera</i> review in criminal prosecutions.</p> <p>After Peseti, the confrontation right in Hawai’I Const. art. I, § 14 was amended to allow legislature to provide for privilege between alleged crime victims and physician, psychologist, counselor or licensed mental health professional.</p>	<p>A victim has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made to a victim counselor for the purpose of counseling or treatment of the victim for the emotional and psychological effects of domestic violence, sexual assault, or child abuse or neglect, or the name, location or telephone number of a shelter.</p>	<p>Confidential Communication: Not intended to be disclosed to third persons.</p> <p>Victim Counselor:</p> <ul style="list-style-type: none"> • Sexual Assault: Employed by or volunteer in a sexual assault crisis center, 35 hours of training required; reports to a social worker, nurse, psychiatrist or psychotherapist. Primary function is giving advice, counseling or assistance to victims. • Domestic Violence: Employed by or volunteer in domestic violence program; 25 hours of training required; reports to a direct service supervisor of victims’ program. Primary function is giving advice, counseling or assistance to victims.

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<p>Idaho No specific domestic violence or sexual assault counselor privilege, but see Idaho Code § 39-5211 (2013)(staff and volunteers of domestic violence programs that receive state funds must maintain confidentiality of any identifying information of those who use services).</p> <p>Idaho Rule of Evid. 517 (2013) (licensed professional counselor privilege)</p>			
<p>Illinois <i>Confidentiality of Statements Made to Personnel Counseling Victims of Violent Crime</i>, 735 Ill. Comp. Stat. 5/8-802.2 (2013)</p>	<p>Victim who consults with any counselor regarding a violent crime or its circumstances has privilege against disclosure, unless waived in writing.</p>	<p>Victim of violent crime who makes a statement relating to the crime or its circumstances during the course of therapy or consultation with any counselor, employee or volunteer of a victim aid organization, the statement or contents shall not be disclosed unless the victim consents in writing.</p> <p><i>In camera</i> review and a court order requiring disclosure may be given where a party alleges that such statements are necessary to the determination of any issue before the court, and the court finds the statements to be relevant and admissible.</p>	<p>Violent crimes include, but are not limited to, any felony in which force or threat of force was used, or any misdemeanor which results in death or great bodily harm to the victim.</p>

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<p>Illinois <i>Privileged Communications Between Domestic Violence Counselors and Victims</i>, 750 Ill. Comp. Stat. 60/227 (2013)</p> <p>See also 750 Ill. Comp. Stat. 60/227.1 (2013) (DV program location or identify of DV advocate or counselor are protected)</p>	<p>Absolute privilege against disclosure of confidential communication between victim and domestic violence advocate or counselor.</p>	<p>No domestic violence advocate or counselor shall disclose any confidential communication or be examined as a witness in any civil or criminal case or in any legislative or administrative proceeding without written consent of the victim.</p> <p>No court or administrative or legislative body shall compel any person or domestic violence program to disclose the location of any domestic violence program or counselor or advocate.</p>	<p>Domestic Violence Advocate or Counselor: Any person who provides services through a domestic violence program (including a government program), either as a volunteer or employee, 40 hours of training required.</p> <p>Confidential Communication: Any communication between victim and advocate or counselor in the course of providing information, counseling or advocacy. Includes records.</p>
<p>Illinois <i>Confidentiality of Statements Made to Rape Crisis Personnel</i>, 735 Ill. Comp. Stat. 5/8-802.1 (2013)</p>	<p>Absolute privilege against disclosure of confidential communication between victim and rape crisis counselor.</p> <p><i>In camera</i> inspection not allowed, and not inconsistent with defendant's right to confrontation. <i>People v. Foggy</i>, 521 NE2d 86 (Ill. 1988), cert. den. 486 US 1047 (1988). See also <i>People v. Harlacher</i>, 634 NE2d 366 (Ill. App. 2d. District 1994).</p>	<p>No rape counselor shall disclose any confidential communication or be examined as a witness in any civil or criminal case without the written consent of the victim or the victim's representative.</p>	<p>Rape Counselor: Any person who provides services through a rape crisis organization (the definition does not include a government program), either as a volunteer or employee. 40 hours of training and supervision by direct services supervisor required.</p> <p>Confidential Communication: Any communication between victim and counselor in the course of providing information, counseling or advocacy. Includes records.</p>
<p>Indiana <i>Privileged Communications and Victim Counselors</i>, Burns Ind. Code Ann. 35-37-6-1 to -11 (2013)</p>	<p>Victim, victim counselor, or child (unless parent or guardian consents) may not be compelled to give testimony or produce records, or to disclose any information concerning confidential communications and</p>	<p>Victim, victim counselor, or child (unless parent or guardian consents) may not be compelled to give testimony or produce records, or to disclose any information concerning confidential communications and</p>	<p>Confidential Communication: Means any information exchanged between victim and a victim advocate in the course of the relationship between the victim and the victim advocate.</p>

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	<p>confidential information to anyone or in any judicial, legislative or administrative proceeding.</p>	<p>confidential information to anyone or in any judicial, legislative or administrative proceeding. Victim advocate, victim service provider, or victim may not be compelled to identify the name, address, location or telephone number of any shelter, unless the shelter is a party.</p>	<p>Victim Counseling Center: Includes public agencies and private non-profits, which are not affiliated with a law enforcement agency, and has one purpose, the treatment of victims for emotional and psychological conditions.</p> <p>Victim Advocate: means an individual employed or appointed by or who volunteers for a victim services provider.</p>
<p>Iowa <i>Victim Counselor Privilege, Iowa Code Ann. § 915.20A (2013) (NOTE: former section 236A.1 is similar; repeal of former section probably intended).</i></p>	<p>A victim counselor shall not be examined or required to give evidence in civil or criminal proceeding as to any confidential communication made by a crime victim to a counselor. Exceptions for chain of custody, allegations of perjury, and physical appearance of victim at time of injury or first contact after the injury</p> <p>In camera review procedure may compel disclosure in a criminal case.</p> <p>Location of crime victim center and identity of crime victim counselor also protected from disclosure.</p>	<p>A victim counselor shall not be examined or required to give evidence in any civil or criminal proceeding as to any confidential communication made by victim to a counselor, unless waived or compelled by the court. In no event is location of crime victim center or the identity of the counselor to be disclosed in any civil or criminal proceeding</p> <p>Court may compel if, upon motion and written offer of proof, the information sought is relevant and material evidence of the facts and circumstances involved in the alleged criminal act which is subject to a criminal proceeding; the probative value outweighs the harmful effects</p>	<p>Victim Counselor: Certified as a counselor by a crime victim center, whose primary purpose is the rendering of advice, counseling and assistance to victims of crime. 20 hours of relevant, specified training is required.</p> <p>Confidential Communication: Means information shared between a crime victim and a victim counselor within the counseling relationship. Records and advice are included. Some communication in presence of or to third party who furthers interests of victim or purposes of consultation still confidential.</p>

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		of disclosure, and the information can't be obtained by reasonable means from other sources. In camera review and/or out of jury hearing procedure to determine whether to disclose.	
<p>Kansas No specific domestic violence or sexual assault counselor privilege, but see Ks. Stat. Ann. § 65-5810 (2013) (licensed professional counselor privilege), and 65-6315 (2013) (licensed social worker confidentiality)</p>			
<p>Kentucky <i>Counselor Client Privilege</i>, Kentucky Rule of Evid. 506 (2013)</p>	<p>Client can refuse to disclose or prevent others from disclosing confidential communication given to a sexual assault counselor, crisis response worker, certified professional counselor or a victim advocate.</p> <p>Court can order disclosure after in camera review, on minimal finding.</p>	<p>Client can refuse to disclose or prevent others from disclosing confidential communication made for the purpose of counseling the client, between himself, his counselor, and persons present at the direction of the counselor, including members of the client's family.</p> <p>Court can order disclosure if it finds; the substance of the confidential communication is relevant to an essential issue and no available alternative means to obtain the information, and the need for the information outweighs the privilege interest. In camera review procedure.</p>	<p>Sexual Assault Counselor: 40 hours of training required, and must be under the control of a direct services supervisor of a rape crisis center, whose primary purpose is advice and counseling of victims of sexual assault.</p> <p>Victim advocate does not include a prosecutor's employee.</p> <p>Confidential Communication: Is not intended to be disclosed to third persons.</p>
<p>Kentucky <i>Confidentiality of the identity of</i></p>	<p>All records, requests for services, and reports that contain information that</p>	<p>All records, requests for services, and reports that contain information that</p>	

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<p><i>domestic violence program clients or former clients. 209A.070 (2013).</i></p>	<p>identifies a current or former client of a domestic violence program are confidential and shall not be disclosed by any person except as provided by law.</p>	<p>identifies a current or former client of a domestic violence program are confidential and shall not be disclosed by any person except as provided by law.</p>	
<p>Louisiana <i>Family Violence Shelters: Privileged Communications and Records, La. Rev. Stat. Ann. 46:2124.1 (2013)</i></p>	<p>No person shall be required to disclose a privileged communication or produce records in any civil or criminal case or in discovery.</p> <p>Prosecuting attorney or any party in a civil case or a defendant in a criminal case may petition for in camera review of records.</p>	<p>No person shall be required to disclose, by way of testimony or otherwise, a privileged communication or produce, under subpoena, any records documentary evidence, opinions or decisions relating to such privileged communication in any civil or criminal case or in discovery.</p> <p>Prosecuting attorney or any party in a civil case or a defendant in a criminal case may petition for in camera review of records. Petition must allege facts showing that such records would provide admissible evidence favorable to the person and, in criminal proceedings, are relevant to the issue of guilt or punishment.</p>	<p>Privileged Communication: Is one made to a representative or employee of a community domestic violence shelter by a victim, and a communication not otherwise privileged made by a representative or employee of the shelter to a victim in the course of rendering services.</p> <p>Victim: Is a victim or potential victim of family or domestic violence and his or her children.</p>

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<p>Louisiana <i>Healthcare provider-patient privilege</i> (applies to rape crisis centers in civil proceedings) La. Rev. Code Evid. Art. 510 (2013)</p>	<p>In civil court, sexual assault victim has privilege to refuse to disclose and prevent disclosure of confidential communication with persons at rape crisis center</p> <p>Exceptions outlined in the statute, including but not limited to where health condition is at issue in the case, including custody or visitation matter, and proceedings related to child abuse, elder abuse or abuse of people with disabilities.</p>	<p>In a non-criminal proceeding, a patient has a privilege to refuse to disclose and to prevent another person from disclosing a confidential communication made for the purpose of advice, diagnosis or treatment of his health care condition between or among himself or his representative, his health care provider, or their representatives.</p> <p>13 exceptions outlined in the rule.</p>	<p>Health care provider includes a person who is engaged in any office, center, or institution referred to as a rape crisis center, who has undergone at least forty hours of sexual assault training and who is engaged in rendering advice, counseling, or assistance to victims of sexual assault.</p> <p>Patient is a person who consults or is examined or interviewed by another for the purpose of receiving advice, diagnosis, or treatment in regard to that person's health.</p>
<p>Maine <i>Privileged Communications to Sexual Assault Counselors</i>, 16 Maine Rev. Stat. Ann. §53-A (2013)</p>	<p>No sexual assault counselor may be required to testify in any civil or criminal action, or provide records as to any privileged communication.</p> <p>However, court can order disclosure under broad guidelines, which may essentially eliminate the privilege.</p>	<p>Except with regard to reporting, cooperating in an investigation or giving evidence in a child abuse or neglect case, or with the victim's consent, no sexual assault counselor may be required to testify in any civil or criminal action about any information which she may have acquired in providing sexual assault counseling services, Privilege includes records, notes, memoranda or documents containing confidential communications.</p> <p>However, court, in the exercise of sound discretion, can order disclosure when necessary to the proper administration of justice.</p>	<p>Sexual Assault Counselor: Is a paid or unpaid staff member or under the supervision of a staff member of a rape crisis center, and has undergone a program of specified training.</p> <p>Rape Crisis Center: Is any publicly or privately funded agency whose purpose is to reduce the trauma of sexual assault, by, among other things, counseling.</p>

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<p>Maine <i>Privileged Communications to Victim Advocate; Family Violence</i>, 16 Maine Rev. Stat. Ann. § 53-B (2013)</p>	<p>No victim, advocate or advocate’s agency may be required to testify in any civil or criminal action, or provide records as to any privileged communication.</p> <p>However, court can order disclosure under broad guidelines, which may essentially eliminate the privilege.</p>	<p>Except with regard to</p> <p>a) disclosure required under Adult Protective Services Act and Child and Family Services and Child Protection Act and</p> <p>b) disclosure required for law enforcement to investigate death of incapacitation of an adult, no domestic violence advocate may be required to testify in any civil or criminal action or to give information to any other agency or person about any information which she may have acquired in providing domestic violence counseling services. Privilege includes records, notes, memoranda or reports concerning the victim.</p> <p>However, court, in the exercise of sound discretion, can order disclosure when necessary to the proper administration of justice and information is relevant. In camera process is suggested.</p>	<p>Advocate: Is an employee or volunteer of a non-governmental program for victims of domestic violence who has undergone at least 30 hours of training and as a primary function with the program gives advice to, counsels or assists victims, or a supervisor or administrator of the program.</p>
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<p>Maine <i>Privileged Communications to Governmental Victim Witness Advocates or Coordinators</i>, 16 Maine Rev. Stat. Ann. § 53-C (2013)</p>	<p>No victim, victim witness advocate or advocate’s employer may be required to testify in any civil or criminal action, or provide records as to any privileged communication.</p> <p>However, court can order disclosure under broad guidelines, which may essentially eliminate the privilege, and disclosure may be made to the prosecutor and exculpatory evidence must be disclosed to criminal defendants.</p>	<p>Except with regard to</p> <p>a) disclosure required under Adult Protective Services Act and Child and Family Services and Child Protection Act,</p> <p>b) disclosure required for law enforcement to investigate death of incapacitation of an adult,</p> <p>c) disclosure to the district attorney, Attorney General or U.S. attorney and mandatory disclosure of exculpatory evidence to criminal defendants, no victim witness advocate may be required to testify in any civil or criminal action or to give information to any other agency or person about any information which she may have acquired in providing victim witness advocacy services. Privilege includes records, notes, memoranda or reports concerning the victim.</p> <p>However, court, in the exercise of sound discretion, can order disclosure when necessary to the proper administration of justice</p>	<p>Victim Witness Advocate: Is an employee or volunteer of a governmental program for victims of crime and as a primary function with the prosecutor’s office gives advice to, counsels or assists victims, or a supervisor or administrator of the program.</p> <p>Victim includes the immediate family of a victim of crime if the underlying crime is one of domestic violence or sexual assault or due to death, age or physical or mental disease, the victim is unable to participate as allowed under this chapter.</p>
<p>Maryland No specific domestic violence or sexual assault counselor privilege, <i>but see</i> Md. Code, Courts and Judicial Procedure, § 9-109.1 (2013) (professional counselor privilege) and Md. Code, Courts and Judicial</p>			

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<p>Procedure, § 9-121 (2009)(licensed social worker)</p>			
<p>Massachusetts <i>Sexual Assault; Confidential Communication With Sexual Assault Counselor</i>, Mass. Gen. L. Ann., Ch. 233, § 20J (2013)</p>	<p>Sexual assault counselor shall not disclose confidential communication without written consent of victim.</p> <p>Case law in criminal cases qualifies the absolute privilege set out in the statute; Commonwealth v. Dwyer, 859 N.E.2d 400 (2006); Commonwealth v. Fuller, 667 NE2d 847 (1996); US v. Lowe, 948 F. Supp. 97 (1996). Commonwealth v. Howard, 677 NE2d 233 (Mass. App. 1997).</p>	<p>Sexual assault counselor shall not disclose confidential communication without written consent of victim. Nothing in statute shall be construed to limit the defendant’s right to cross-examine such counselor in a civil or criminal case if counselor testifies with consent.</p> <p>Confidential communication not subject to discovery, and inadmissible in any criminal or civil proceeding without written consent. Includes records.</p> <p>But, see case law setting out procedure for criminal defendants to establish constitutional right to view records and procedure for gaining access.</p>	<p>Confidential Communication: Information transmitted in confidence by and between a victim of sexual assault and a sexual assault counselor by a means which does not disclose the information to a person other than a person present for the benefit of the victim. Includes all information received by the sexual assault counselor, including reports, records, working papers or memoranda.</p> <p>Sexual Assault Counselor: Employed by or is a volunteer in a rape crisis center. 35 hours of training required. Must be under supervision of licensed social worker, nurse, psychiatrist, psychologist or psychotherapist, and whose primary purpose is to give advice, counsel or assist victims of sexual assault.</p>
<p>Massachusetts <i>Domestic Violence Victims’ Counselors; Confidential Communications</i> Mass. Gen. L. Ann., Ch. 233, § 20K</p>	<p>Domestic violence counselor shall not disclose confidential communication without written consent of victim.</p> <p>Statute provides for in camera review</p>	<p>Domestic violence counselor shall not disclose confidential communication without written consent of victim.</p> <p>Confidential communication not</p>	<p>Confidential Communication: Information transmitted in confidence by and between a victim of domestic violence and a domestic violence counselor by a means which does not</p>

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<p>(2013)</p> <p><i>See also:</i> Mass. Gen. L. Ann., Ch. 233, § 20L (2013)(location of dv victims' programs and rape crisis centers are confidential)</p>	<p>and discovery of exculpatory information in criminal actions.</p>	<p>subject to discovery in any civil, legislative or administrative proceeding. It shall be discoverable and admissible in any criminal proceeding only to the extent the information is exculpatory to defendant. Court to review before disclosure or introduction into evidence. Includes records.</p>	<p>disclose the information to a person other than a person present for the benefit of the victim. Includes all information received by the domestic violence counselor, including reports, records, working papers or memoranda.</p> <p>Domestic Violence Counselor: Employed by or is a volunteer in a domestic violence victims' program. 25 hours of training required. Must be under the supervision of direct service supervisor of a domestic violence program.</p>
<p>Michigan</p> <p><i>Evidence</i>, Mich. Comp. L. Ann., § 600.2157a (2013)</p> <p>See also, Mich. R. Crim. Pro. 6.201 (C) (2013).</p>	<p>Confidential communication between a domestic violence or sexual assault counselor and victim shall not be admissible in evidence in any civil or criminal proceeding without consent.</p> <p>But see, <i>People v. Stanaway</i>, 521</p>	<p>A confidential communication, or any report, working paper or statement contained in a report or working paper, given or made in connection with a consultation between a victim and a sexual assault or domestic</p>	<p>Confidential Communication: Information transmitted between a victim and a sexual assault or domestic violence counselor. Includes records.</p> <p>Sexual Assault or Domestic Violence</p>

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	<p>NW2d 557 (Mich. 1994) and MCR 6.201(c) creating procedure for in camera review and possible disclosure.</p>	<p>violence counselor, shall not be admissible as evidence in any civil or criminal proceeding without the prior written consent of the victim.</p> <p>In camera review and disclosure may be ordered if defendant shows good faith belief grounded on some demonstrable fact that there is reasonable probability that the records are likely to contain material information essential to the defense. Procedure set out in Mich. R. Crim. Pro. 6.201 (C) (2) (2005).</p>	<p>Counselor: Person who is employed at or who volunteers service at a sexual assault or domestic violence crisis center and who provides advice, counseling or other assistance to sexual assault or domestic violence victims.</p>
<p>Minnesota <i>Testimony of Witness</i>, Minn. Stat. Ann. § 595.02(k) (2013)</p>	<p>Sexual assault counselor may not be compelled to testify without consent of victim.</p>	<p>Sexual assault counselor may not be compelled to testify about any opinion or information received from or about the victim without consent of the victim, except for information in investigations or proceedings regarding child neglect where the court determines that good cause exists. Court is to weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs.</p> <p>Nothing in this paragraph exempts advocates from abuse reporting duties in Section 626.556 & 626.557</p>	<p>Sexual Assault Counselor: Must have 40 hours of training and work under the direction of a supervisor in a crisis center.</p>

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<p>Minnesota <i>Testimony of Witness</i>, Minn. Stat. Ann 595.02(l)(2013)</p>	<p>Domestic abuse advocate may not be compelled to testify unless so ordered by the court.</p>	<p>A domestic abuse advocate may not be compelled to disclose any opinion or information received from or about the victim without the consent of the victim unless ordered by the court.</p> <p>In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the relationship between the victim and domestic abuse advocate, and the services if disclosure occurs.</p> <p>Nothing in this paragraph exempts domestic violence advocates from abuse reporting provisions in Sections 626.556 and 626.557</p>	<p>Domestic Abuse Advocate: an employee or supervised volunteer from a community-based battered women's shelter and domestic abuse program eligible to receive grants under state law funding sources; that provides information, advocacy, crisis intervention, emergency shelter, or support to victims of domestic abuse. Does not apply to law enforcement or prosecution-based advocate.</p>
<p>Mississippi No specific domestic violence or sexual assault counselor privilege, but see Miss. Stat. Ann. 73-30-17 (2013) (licensed professional counselor privilege).</p> <p>See also: Miss. Stat. Ann. § 93-21-109 (2013)(domestic violence shelter program records withheld from public disclosure. Address of shelter program also confidential.)</p>			

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<p>See also: Miss. Stat. Ann. § 93-21-107 (2013) State funded domestic violence programs required to maintain confidentiality of any client identifying information.</p> <p>See also Miss. Code Ann. § 93-21-9 (2013) (stating that a victim’s address or the address of a shelter for domestic violence victims may be omitted from a petition for a domestic abuse protection order)</p>			
<p>Missouri <i>Requirements for Shelter to Qualify for Funds</i>, Mo. Stat. Ann. § 455.220 (2013)</p> <p><i>See also</i>, State ex rel. Hope House, Inc. v. Commissioner Molly M. Merrigan, 133 SW3d 44 (MO 2004).</p>	<p>Any person employed by or volunteering services to a shelter for victims of domestic violence are incompetent to testify concerning confidential information, unless individual signs written waiver.</p>	<p>1. To qualify for funds, a shelter shall (5) require persons employed or volunteering to maintain confidentiality of any information that would identify individuals served by the shelter and any information or records that are directly related to the advocacy services.</p> <p>2. Any person employed by or volunteering services to a shelter for victims of domestic violence shall be incompetent to testify concerning any confidential information described in (5) unless confidentiality is waived in writing.</p>	<p>Confidential Information: Includes identifying information and any information or records directly related to the advocacy services provided by the shelter.</p>
<p>Missouri <i>Rape Crisis Centers, confidentiality of information—employee competency</i></p>	<p>Persons employed or volunteering in rape crisis center required to maintain confidentiality and incompetent to testify about identifying information</p>	<p>1. A rape crisis center shall require persons employed or volunteering services to maintain confidentiality of any information that would identify</p>	<p>Rape crisis center: any public or private agency that offers assistance to victims of sexual assault</p>

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<p><i>to testify—rape crisis center defined.</i> Mo. St. §455.003 (2013)</p>	<p>and information related to services provided.</p>	<p>individuals served by the center and any information or records that are directly related to the advocacy services provided to such individuals;</p> <p>2. Any person employed by or volunteering services to a rape crisis center shall be incompetent to testify concerning confidential information unless the confidentiality requirements are waived in writing.</p>	
<p>Montana <i>Advocate Privilege</i> Mont. Code Anno. § 26-1-812 (2013)</p>	<p>Advocate may not be examined as to any communication made to the advocate by a victim without consent.</p>	<p>Unless a report is otherwise required by law, an advocate may not, without express consent of the victim, be examined as to any communication made to the advocate by a victim and may not divulge records kept during the course of providing shelter, counseling, or crisis intervention services.</p>	<p>Advocate: An employee or volunteer of a domestic violence shelter, crisis line, or victim’s services provider that provides services for victims of sexual assault, stalking, or any assault on a partner or family member.</p> <p>Victim: A person seeking assistance because of partner or family member assault, any sexual assault, or stalking, whether or not the victim seeks or receives services within the criminal justice system.</p>
<p>Nebraska R.R.S. Neb. § 29-4301 to 4304 (2013)</p> <p>See also R.R.S. Neb. § 42-918 (2013) confidentiality of information shared in context of domestic abuse</p>	<p>Victim or advocate without consent of the victim shall not be compelled to give testimony or compelled to produce records concerning a confidential communication in any proceeding except when court orders</p>	<p>A victim, an advocate without the consent of the victim, a third party without the consent of the victim, or a minor without the consent of a custodial guardian or GAL, shall not be compelled to give testimony or to</p>	<p>Advocate: any employee or supervised volunteer of a domestic violence or sexual assault victim assistance program; non law enforcement or prosecutor based, whose primary purpose is to assist</p>

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<p>protection act.</p>	<p>after in camera review.</p>	<p>produce records concerning a confidential communication for any purpose in any criminal, civil, legislative, administrative or other proceeding, except if a party seeking disclosure files a motion which is specific as to information sought and reasons why, the court conducts an in camera review, and the court concludes that failure to disclose would violate constitutional rights of the party seeking disclosure.</p>	<p>domestic violence or sexual assault victims.</p> <p>Victim: any person who communicates with an advocate for assistance in overcoming the adverse effects of domestic violence or sexual assault.</p> <p>Confidential communication: any written or spoken information exchanged between a victim and an advocate in private or in the presence of a third party facilitator.</p>
<p>Nevada <i>Privileged Communication Between Victims of Domestic Violence or Sexual Assault and Their Advocates</i>, N.R.S. 49.2541 to 2549 (2013)</p>	<p>Victim has a privilege to refuse to disclose confidential communications with a domestic violence or sexual assault advocate.</p>	<p>Victim has a privilege to refuse to disclose confidential communications with a domestic violence or sexual assault advocate, with specified exceptions (including report of abuse or neglect of child, older person or vulnerable adult, but only as to that portion of the communication.)</p>	<p>Confidential Communication: Is not intended to be disclosed to third persons.</p> <p>Victim: A person who alleges that an act of domestic violence or sexual assault has been committed against the person.</p> <p>Victim Advocate: Works or volunteers for non-profit program and has 20 hours of training.</p>
<p>New Hampshire <i>Confidential Communication Between Victims and Counselors</i>, N.H. Rev. Stat. Ann. §173-C:1 to C:10 (2013)</p>	<p>Victim has a privilege to refuse to disclose confidential communications made to sexual assault or domestic violence counselor.</p> <p><i>In camera</i> review and court ordered</p>	<p>Victim has a privilege to refuse to disclose confidential communications made to a sexual assault or domestic violence counselor, except with prior written consent of victim. The privilege can be claimed in all civil,</p>	<p>Sexual Assault Counselor: Is any person employed or appointed or who volunteers in a rape crisis center who renders support, counseling or assistance to victims of sexual assault. 30 hours of training required.</p>

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	<p>disclosure may be made.</p>	<p>administrative and criminal legal proceedings, including discovery.</p> <p>Location and street address of rape crisis center and domestic violence center are absolutely privileged.</p> <p>In criminal cases, the court may make in camera review of statements of victim, which relate to the crime. Defendant must file a written pretrial motion and affidavit which sets for the specific grounds for relief requested and that there is a substantial likelihood that favorable and admissible information would be obtained through discovery or testimony. The defendant has to prove by a preponderance of evidence that the probative value outweighs any prejudice to the victim; the information is not available from any other source; and that there is a substantial probability that the failure to disclose will interfere with the defendant's right to confrontation.</p>	<p>Domestic Violence Counselor: Is any person employed or appointed or who volunteers in a domestic violence center that renders support, counseling or assistance to victims of domestic violence. 30 hours of training required.</p>
<p>New Jersey <i>Victim Counselor's Privilege</i>, N.J. Stat. Ann. 2A:84A-22.13 to 22.16 (2013) N.J. Evid. Rule 517 (2013)</p>	<p>Counselor is not to be examined as a witness in any civil or criminal proceeding without victim's written consent to waive the privilege.</p> <p>Address, location and phone number of shelter is absolutely privileged,</p>	<p>Victim counselor has a privilege not to be examined as a witness in any civil or criminal proceeding with regard to any confidential communication, without prior written consent of the victim. A victim counselor or a victim cannot be compelled to provide</p>	<p>Confidential Communication: Is any information exchanged between a victim and a victim counselor in private. It includes any advice, report, or working paper given or made in the course of the consultation and all information received by the victim</p>

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	<p>unless the shelter is a party.</p> <p>No in camera review or disclosure ordered, absent compelling circumstances in <i>State v. J.G.</i> 619 A.2d 232 (N.J. Super. 1993), cert. den. 627 A2d 1142 (N.J. 1993).</p>	<p>testimony in any civil or criminal proceeding that would identify the name, address, location or telephone number of a domestic violence shelter.</p> <p>Nothing in this act prevents disclosure to defendant in criminal matter of information given to county victim-witness coordinator where disclosure is required by constitution.</p>	<p>counselor.</p> <p>Victim: Includes victims of domestic violence and sexual assault, plus other violent crimes.</p> <p>Victim Counselor: Is person engaged in any office, institution or victim counseling center. 40 hours training and under control of direct services supervisor.</p>
<p>New Mexico <i>Victim Counselor Confidentiality Act</i>, N.M. Stat. Ann. 1978 § 31-25-1 to -6 (2013)</p>	<p>Victim counselor privilege against providing testimony or producing records for any purpose in any criminal or other proceeding. Privilege against providing name, address, location and telephone number of a shelter.</p>	<p>Victim or victim counselor, without consent of victim shall not be compelled to provide testimony or to produce records concerning confidential communication for any purpose in any criminal action or other judicial, legislative or administrative proceeding.</p> <p>Victim or victim counselor shall not be compelled to provide testimony in any civil or criminal proceeding that would identify the name, address, location or telephone number of a shelter.</p>	<p>Confidential Communication: Any information exchanged between a victim and a victim counselor in private, disclosed in the course of the counselor's treatment of the victim for any emotional or psychological condition resulting from a sexual assault or family violence.</p> <p>Victim Counselor: Employee or supervised volunteer of a victim counseling center or other agency, which is not affiliated with a law enforcement agency or district attorney's office. 40 hours of training required, or minimum of one year of experience in victim counseling.</p>
<p>New York <i>Rape Crisis Counselor</i>, N.Y. Civ. Prac. L. & R. § 4510 (McKinney's Consol. 2013)</p>	<p>Rape crisis counselor shall not be required to disclose a confidential communication made by his or her client or any advice given by the counselor.</p>	<p>Rape crisis counselor shall not be required to disclose a confidential communication made by his or her client to him or her, or advice given by the counselor. Privilege specifically</p>	<p>Confidential communication not specifically defined; statute protects any communication made by client and any advice given thereon, including records.</p>

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<p>See also: N.Y. Family Court Act § 1046 (a) (vii) (McKinney’s Consol. 2013) and N.Y. Crim. Pro. § 60.76 (McKinney’s Consol. 2013).</p>	<p>Under N.Y. Crim. Pro. § 60.76, criminal defendant can move for disclosure; <i>in camera</i> review procedure.</p> <p>This privilege explicitly does not apply in proceedings under Family Court article</p>	<p>extends to employees of rape crisis program. Records also privileged.</p> <p>Defendant can move for disclosure by filing a written motion and affidavit that state the specific factual allegations providing grounds that disclosure is required. Court is to do in camera review upon filing of motion.</p>	<p>Rape Crisis Counselor: Must be certified by the program and meet the training requirement set out in statutes. Can be paid or unpaid.</p>
<p>North Carolina NC Gen. Stat. 8-53.12 (2013)</p>	<p>Privilege between domestic violence or sexual assault agency employee or volunteer and a domestic violence or sexual assault victim.</p> <p>Court can compel disclosure in a civil</p>	<p>No agent (employee or volunteer) shall be required to disclose any information which the agent acquired during the provision of services to a (domestic violence or sexual assault) victim and which information was</p>	<p>Domestic Violence Victim: Any person alleging domestic violence as defined by state law, who consults an agent of a domestic violence program for the purpose of obtaining advice, counseling, or other services</p>

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	<p>or criminal case; <i>in camera</i> review procedure.</p>	<p>necessary to render the services.</p> <p>Victim can waive the privilege.</p> <p>Court can compel disclosure in a civil or criminal case after an <i>in camera</i> review where the court determines that specific basis to believe records are likely to contain information subject to disclosure, records are not being sought merely for character impeachment, records are not cumulative of other evidence, and the material is relevant or, in a criminal proceeding, exculpatory.</p>	<p>concerning mental, emotional or physical injuries suffered as a result of the domestic violence. Also includes those persons who have a significant relationship with a victim and who have sought aid for themselves.</p> <p>Sexual Assault Victim: Similar language to the domestic violence victim.</p> <p>Agent: Employee or volunteer of sexual assault center or domestic violence program; must have undergone 20 hours of training; center determines what training should be.</p>
<p>North Dakota <i>Domestic Violence or Sexual Assault Program Records</i>, N.D. Century Code, § 14-07.1-18 (2013)</p> <p>See also N.D. Sup. Ct. Admin. Rule 34 (2013)(rule regarding domestic</p>	<p>Domestic violence and sexual assault program records shall be kept confidential.</p> <p>Address, telephone number and identifying information of the shelter, client, staff or volunteer is to be</p>	<p>All agents, employees and volunteer in a domestic violence or sexual assault program shall maintain the confidentiality of (1) the address, telephone number and other identifying information of a shelter; (2) name, address, telephone number,</p>	

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<p>violence advocates)</p>	<p>confidential.</p> <p>Court can order in camera review and disclosure if directly relates to determination of child abuse or neglect or termination of parental rights.</p>	<p>personally identifying information, and case file or history of any client; and (3) the name, address, telephone number and other identifying information of an agent, employee or volunteer providing services in the program.</p>	
<p>Ohio <i>See Shelter requirements for qualifying for funds, ORC Ann. § 3113.36 (2013)(employees or volunteers at a domestic violence shelter must maintain confidentiality of victim identifying information.)</i></p> <p>See also ORC Ann. §3113.40(2013)(shelter required to provide last known address/county of residence to child protective services.)</p>			
<p>Oklahoma <i>Contracts for shelter and services – Disclosure of case records, shelter locations, or board member information, 74 Okl. St. Ann. § 18p-3 (2013)</i></p>	<p>Client case records of certified domestic violence or sexual assault program shall be confidential and shall not be disclosed.</p> <p>Court can order disclosure <i>in camera</i></p>	<p>Case records, case files, case notes, client records, or similar records of a certified domestic violence or sexual assault program shall be confidential and shall not be disclosed.</p>	<p>Client Records: Include but are not limited to, all communications, records and information regarding clients of domestic violence and sexual assault programs.</p>

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<p><i>See also: Oversight by Attorney General – Collection and Confidentiality of Information Records, 74 Okl. St. Ann. § 18p-8 (2013) (Attorney general has authority to collect information regarding domestic violence and sexual assault services. Records collected are not subject to open records act, and are to be created and maintained by anonymous datasets for statistical reporting and data analysis only)</i></p>	<p>“for good cause shown.”</p>	<p>The court shall not order the disclosure of the address a domestic violence shelter, the location of any person seeking or receiving services from a domestic violence or sexual assault program, or any other information which is required to be kept confidential.</p>	<p>Programs are certified by the Attorney General</p>
<p>Oregon <i>Funding of programs related to family violence; rulemaking, Oregon Rev. Stat. 409.292 (2013)</i></p>	<p>State funding condition: Location of premises utilized for family violence shelter and all information maintained by a shelter home, safe house or crisis line relating to clients is confidential.</p>	<p>Programs that receive funding from Human Services are subject to grant conditions that require confidentiality</p>	<p>Crisis lines specifically funded to provide services for victims of child abuse are subject to child abuse reporting.</p> <p>Except for the names of clients, necessary information may be disclosed to the director.</p>
<p>Oregon <i>Funding sexual assault crisis centers and crisis lines; rulemaking, Oregon Rev. Stat. 409.273 (2013)</i></p>	<p>State funding condition: All information maintained by the sexual assault crisis center or crisis line relating to clients is confidential.</p>	<p>Programs that receive funding from Human Services are subject to grant conditions that require confidentiality</p>	<p>Except for the names of clients, necessary information may be disclosed to the director.</p>
<p>Pennsylvania <i>Protection From Abuse: Confidentiality, 23 Pa. Cons. Stat. Ann. § 6116 (2013)</i></p> <p><i>See also, 23 Pa. Cons. Stat. Ann. § 5309 (2013) (shelter address</i></p>	<p>Domestic violence counselor/advocate or a co-participant may not testify as to confidential communication. VBT, et al v. Family Services of Western Pennsylvania, et al., 705 A2d 1325 (Pa. Super. 1998) aff’d 728 A.2d 953 (1999).</p>	<p>Unless a victim waives the privilege in a signed writing before testimony or disclosure, a domestic violence counselor/advocate or a co-participant who is present during domestic violence counseling advocacy shall not be competent nor</p>	<p>Confidential Communication: Includes statements by and to counselor and by and to victim. Effective May 9, 2006, communications made by or to a linguistic interpreter assisting the victim, counselor or advocate in the course of the relationship.</p>

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<p>confidentiality)</p> <p>See 23 Pa. Cons. Stat. Ann. § 6102 (2013) for definitions</p>	<p>Sec. 5309 provides that address of shelter shall not be disclosed or otherwise confidential information of the domestic violence counselor shall not be disclosed in custody proceeding.</p>	<p>permitted to testify or to otherwise disclose confidential communication made to or by the counselor/advocate by or to a victim.</p> <p>Address of shelter shall not be disclosed or otherwise confidential information of the domestic violence counselor shall not be disclosed.</p>	
<p>Pennsylvania</p> <p><i>Confidential Communications to Sexual Assault Counselors</i>, 42 Pa. Cons. Stat. Ann. § 5945.1 (2013)</p>	<p>Privilege applies to sexual assault counselor and victim confidential communications.</p>	<p>No sexual assault counselor may, without the written consent of the victim, disclose the victim’s confidential oral or written communications to the counselor nor consent to be examined in any court or criminal proceeding. Privilege also applies to any co-participant who is</p>	<p>Confidential Communication: All information, oral or written, transmitted between a sexual assault victim and a sexual assault counselor in the course of their relationship, including, but not limited to, any advice, reports, statistical data, memoranda, working papers, records</p>

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		present during counseling.	<p>or the like, given or made during the relationship.</p> <p>Co-participant: Victim participating in group counseling.</p> <p>Sexual Assault Counselor: Person engaged in a rape crisis center and who is under the control of a direct services supervisor of the center. 40 hours of training required.</p> <p>Victim: Includes direct victims and those who have a significant relationship with the sexual assault victim.</p>
<p>Rhode Island No relevant statute, but see Advisory Opinion to House of Representatives, 469 A.2d 1161 (R.I. 1983) (2013)</p>	<p>Advisory Opinion to House of Representatives, 469 A.2d 1161 (R.I. 1983) allows in camera review of sexual assault counselor records and sexual assault counselor’s confidential communications with sexual assault victim.</p>		
<p>South Carolina No relevant statute, but see State v. Trotter, 473 S.E.2d 452 (S.C. 1996) holding “reports of physical or mental examinations” under South Carolina Rule of Criminal Procedure 5(a)(1)(D) do not include rape crisis counselor records.</p>			

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<p>South Dakota No specific domestic violence or sexual assault counselor privilege, but see S.D. Codified Laws § 36-32-27 (2013) (licensed professional counselor privilege).</p>			
<p>Tennessee <i>Confidentiality of Records of Centers</i>, Tenn. Code Ann. § 36-3-623 (2013) <i>Public Records: Confidential Records</i>, Tenn. Code Ann. § 10-7-504 (17) (2013)</p>	<p>Records of domestic violence shelters and rape crisis centers shall be treated as confidential by the records custodian of such shelters or centers, unless client authorizes their release or the court approves a subpoena for the records.</p>	<p>Records of domestic violence shelters and rape crisis centers shall be treated as confidential by the records custodian of such shelters or centers, unless client authorizes their release or the court approves a subpoena for the records. Court can impose restrictions on disclosure, including in camera review.</p> <p>Telephone number, address and any other information which could be used to locate a domestic violence shelter or rape crisis center may be treated as confidential by a government entity and shall be treated as confidential by a utility provider.</p>	
<p>Texas <i>Sexual Assault Prevention and Crisis Services: Confidential Communications</i>, Vernon's Tex. Govt Ann § 420.071-420.075 (2013)</p>	<p>Victim's confidential communications with sexual assault advocate are confidential and may not be disclosed except as provided by the statute, which includes a requirement that there be full disclosure in response to a subpoena in a criminal case.</p>	<p>A communication between a victim and a sexual assault advocate is confidential and may not be disclosed except as provided by this statute.</p> <p>Record of the identity, personal history or background information or information concerning the</p>	<p>Consent: Must be in writing and signed by the survivor, her parent or guardian if a minor, guardian ad litem or personal representative. Consent must state the information covered by the release, the purpose of the release, and the person to whom the information is to be released.</p>

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		victimization of a survivor that is created by or provided to an advocate or maintained by a program may not be disclosed except as provided by this statute.	
<p>Utah <i>Confidential Communications for Sexual Assault Act</i>, Utah Code Ann. § 77-38-201 et. Seq.</p> <p><i>See also</i> Utah Code Ann. § 78B-1-137 <i>Witnesses – privileged communication</i> (2013)</p>	<p>Confidential communication available to third parties without consent only under specific exceptions.</p> <p>A sexual assault counselor as defined in Section 77-38-203 cannot, without the consent of the victim, be examined in a civil or criminal proceeding as to any confidential communication as defined in Section 77-38-203 made by the victim.</p> <p>State v. Gomez, 63 P.3d 72 (Utah 2002), where none of the statutory exceptions exist, the privilege is absolute and no in camera review is allowed.</p>	<p>Confidential communication between a victim and a sexual assault counselor is available to a third person only when: (1) the victim is a minor and the counselor believes it is in the best interest of the victim to disclose the confidential communication to the victim’s parents; (2) the victim is a minor and the victim’s parents or guardians have consented to disclosure to a third party based upon the counselor’s representations that it is in the victim’s best interests to do so; (3) the victim is not a minor, has given consent, and the counselor believes the disclosure is necessary to accomplish the desired result of counseling; or (4) the counselor has an obligation to report suspected child abuse or neglect.</p>	<p>Confidential Communication: Information given to a sexual assault counselor by a victim, including reports or working papers made in the course of the counseling relationship.</p> <p>Sexual Assault Counselor: Must be employed by or volunteer at a rape crisis center, be supervised by the director or designees of the center, and have 40 hours of training.</p> <p>Victim: A person who has experienced a sexual assault of whatever nature including incest and rape and requests counseling or assistance regarding the mental, physical, and emotional consequences of the sexual assault.</p>
<p>Vermont <i>Victim and Crisis Worker Privilege</i>, 12 Vermont Stat. Ann. § 1614 (2013)</p>	<p>Victim has privilege to refuse to disclose and prevent any other person from disclosing a confidential communication.</p>	<p>A victim receiving direct services from a crisis worker has the privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made by the victim to the crisis worker,</p>	<p>Crisis Worker: Provides direct services to victims of domestic violence or sexual assault in a domestic violence or sexual assault program; has had 20 hours of training; works under the direction of a supervisor of the</p>

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		including any record made in the course of providing support, counseling or assistance to the victim.	program or is herself a supervisor; and is certified by the program. Confidential Communication: Not intended to be disclosed to third persons, other than those to whom disclosure is made in furtherance of the rendition of services to the victim or those reasonably necessary for the transmission of the communication.
<p>Virginia <i>Confidentiality of records of persons receiving domestic and sexual violence services.</i> Va. Code §63.2-104.1 (2013)</p>	<p>Personally identifying and individual information collected in connection with services through domestic and sexual violence programs shall not be disclosed.</p> <p>(Statute tracks the language of Section 3 of the Violence Against Women Act codified at 42 USC §13925(b)(2))</p>	<p>Programs and individuals providing services to victims of sexual or domestic violence shall not:</p> <ol style="list-style-type: none"> 1. Disclose any personally identifying information or individual information collected in connection with services... 2. Reveal individual client information without informed, written, reasonably time-limited consent of the person’s whose information it is. <p>Requirement to notify and take necessary protective steps if release is disclosed by statutory or court mandate, and exceptions for aggregate data, court, law-enforcement and prosecution data.</p>	<p>“Programs” includes public and not-for-profit agencies the primary mission of which is to provide services to victims of sexual or domestic violence.</p>
<p>Washington <i>Shelters For Victims of Domestic Violence – Client Records,</i> Rev. Code of Wash. Ann. § 70.123.075 (2013) <i>Victim of Sexual Assault Act – Records</i></p>	<p>Domestic violence and sexual assault records are protected from discovery unless certain procedures are followed.</p> <p>A sexual assault or domestic violence</p>	<p>Client records of domestic violence programs are not subject to discovery in any judicial proceeding unless a pretrial motion is made; an accompanying affidavit is filed; an in camera review is made by the court</p>	<p>Domestic Violence Program: A program that provides shelter, advocacy, or counseling services for domestic violence victims.</p>

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<p><i>of Rape Crisis Centers Not Available as Part of Discovery</i>, Rev. Code of Wash. Ann. § 70.125.065 (2013)</p>	<p>advocate may not, without the consent of the victim, be examined as to any communication made between the victim and the sexual assault or domestic violence advocate.</p>	<p>to determine whether the domestic violence program records are relevant and whether the probative value of the records is outweighed by the victim’s privacy interest in the confidentiality of such records; and court enters an order stating what is discoverable and why.</p> <p>Client records of sexual assault program are subject to the same procedure.</p>	
<p>Washington <i>Who Are Disqualified – Privileged Communications</i>, Rev. Code of Wash. Ann. § 5.60.060 (2013)</p>	<p>Sexual assault or domestic violence advocate may not, without victim’s consent, be examined as to any confidential communication made by victim.</p>	<p>Sexual assault or domestic violence advocate may not, without victim’s consent, be examined as to any confidential communication made by victim subject to certain exceptions, including clear, imminent risk of serious physical injury or death of the victim or another, or suspected child abuse or neglect.</p>	<p>Sexual Assault Advocate: Is employee or volunteer from a rape crisis center or, victim assistance unit. Domestic Violence Advocate: Is employee or volunteer from a domestic violence program or human services program.</p>
<p>West Virginia <i>Domestic Violence Act; Confidentiality</i>, W.Va. Code § 48-26-202 & 48-26-701 (2013)</p>	<p>Domestic violence programs may not disclose or reveal any records or personally identifying information about a program participant.</p> <p>Exceptions for consent , abuse reporting, and order of court after certain requirements are met.</p> <p>Note that definitions include services to sexual assault and human trafficking survivors by programs that have both a shelter and an outreach component.</p>	<p>No program licensed pursuant to this article may disclose, reveal or release or be compelled to disclose, reveal or release, any written records or personal or personally identifying information about a program participant created or maintained in providing services, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected, pursuant to this article except: [Among other exceptions,] any court</p>	<p>“Domestic violence program” means a licensed program of a locally controlled nonprofit organization, established primarily for the purpose of providing advocacy services, comprising both a shelter component and an outreach component, to victims of domestic violence, dating violence, sexual assault, stalking or human trafficking and their children.</p>

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		<p>can order disclosure based upon a finding that said information is sufficiently relevant to a proceeding before a court to outweigh the importance of maintaining the confidentiality established by this statute.</p>	
<p>Wisconsin <i>Domestic Violence or Sexual Assault Advocate-Victim Privilege</i> Wisc. Stat. Ann. § 905.045 (2013)</p>	<p>Victim has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications</p> <p>Victim, not the advocate, has choice to exercise the privilege</p>	<p>Victim has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made or information obtained or disseminated among the victim, an advocate who is acting in the scope of his or her duties as an advocate, and persons who are participating in providing counseling, assistance, or support services under the direction of an advocate, if the communication was made or the information was obtained or disseminated for the purpose of providing counseling, assistance or support services to the victim.</p>	<p>Advocate: an individual who is an employee of or a volunteer for an organization the purpose of which is to provide counseling, assistance, or support services free of charge to a victim</p> <p>Confidential Communication: not intended to be disclosed to 3rd persons other than persons present to further the interest of the person receiving counseling, assistance, or support services, persons reasonably necessary for the transmission of the communication or information, and persons who are participating in providing counseling, assistance, or support services under the direction of an advocate</p> <p>Health practitioner privilege supersedes the advocacy privilege if both would apply.</p>

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<p>Wyoming <i>Confidential Communications Between Family Violence and Sexual Assault Advocate and Victim, Wy. Stat. § 1-12-116 (2013)</i></p>	<p>Advocates and any other employee of a program shall not be examined concerning confidential communications made by the victim, except where victim consents, victim voluntarily testifies, and where the proceeding results from a report made pursuant to child abuse reporting. Court may compel testimony if victim deceased or incompetent.</p>	<p>Except as provided in [Child Protective Services Act], a family violence or sexual assault advocate or any employee of a program with access to confidential communications shall not be examined as a witness in any civil, criminal, legislative or administrative proceeding concerning confidential communication made by a victim in the course of that relationship, except that the advocate: (A) may testify (I) with express consent of the victim; (II) if the victim voluntarily testifies, provided the advocate’s testimony shall be limited to the same subject matter; (B) May be compelled to testify if the victim is unable to testify due to death or incompetence.</p>	<p>Advocate: Employed by or volunteers for a family violence and sexual assault program; certified by the program; completed at least 40 hours of crisis advocacy training; work is directed and supervised by the program.</p> <p>Confidential Communication: Information transmitted in confidence between a victim and an advocate in the course of that relationship. Includes all information received by, and any report, working paper or document prepared by the advocate in the course of that relationship.</p>
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