

MODEL PROTOCOL

On Confidentiality When Working with Battered Women



Washington State Coalition
Against Domestic Violence

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**The Washington State Coalition Against Domestic Violence
is a statewide non-profit organization committed to ending
domestic violence through advocacy and action for social change.**

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MODEL PROTOCOL ON CONFIDENTIALITY WHEN WORKING WITH BATTERED WOMEN

INTRODUCTION¹

Historically, confidentiality, privacy and secrecy have been of paramount importance to battered women's shelters and advocacy programs throughout the nation. Safeguarding the location of emergency shelters, protecting the identities of program participants and ensuring private access to advocacy services have always been key components of advocacy programs. In days past, these tasks were unquestioned mandates, and they were readily implemented by advocates. These advocates saw themselves as standing outside the traditional criminal justice and social service systems, and understood the advantage afforded to battered women who could count on a secure, private and confidential place to go for help. Advocates understood the value of confidentiality, and sheltered program participant information as they did the program participants themselves.

Over the last thirty years, the battered women's movement fought hard to legitimize the right of every person to live free of abuse, employing a variety of tactics to raise awareness, enact better laws and change the culture of violence in our country. Through this effort, advocacy programs and shelters increasingly allied themselves with key institutions, and thereby achieved significant gains in funding, legislation and public intolerance of the crime of domestic violence. The public, along with legislators and funders, joined us in the fight to protect victims and hold abusers accountable.

Today, many domestic violence advocates work in collaboration with police officers, prosecutors, child protection case workers, mental health counselors, school teachers, perpetrator treatment providers and many other "system"-based professionals. Furthermore, many advocacy programs are housed within larger organizations that are either government agencies, mental health treatment agencies or other social service organizations. Still other domestic violence programs are combined with sexual assault advocacy programs. The dynamics of a collaborative work environment and blurred organizational structures have increased the visibility of domestic violence programs in the public sphere. Because of these changes, advocates today have a duty to ask themselves, "*How do these collaborative relationships impact confidentiality and privacy when working with battered women?*"

The mandates regarding confidentiality, privacy and secrecy may not always be as clear-cut to us today as they were to advocates in the past. Even when a program participant gives us written permission, how much and what type of information should be released to others? If we work in a dual domestic violence and sexual assault program, do we have privileged communication with our domestic violence program participants as we

¹ Introduction written by Mette Earlywine in 2003 (as YWCA of Yakima Family Crisis Program Manager).

do with our sexual assault program participants? If we work in a mental health agency as an advocate, must we break confidentiality under the “duty-to-warn” obligation, as therapists are required to do? How do we effectively participate in multi-disciplinary collaborative response efforts with police and prosecution without compromising confidentiality? Advocates may face pressure from others in the “system” to release confidential information. Worse yet, advocates may inadvertently and improperly break confidentiality in a genuine effort to help a program participant.

Confidentiality involves the efforts of the advocate to protect information about the shelter and/or the program participants served, but confidentiality also includes the ability of *program participants* to protect the release of information about themselves and any other program participants they encounter through the domestic violence program. Today, as always, confidentiality is intricately linked to safety and self-determination. Advocates must consistently evaluate the boundaries of confidentiality in every situation and safety plan, and they should assist program participants in engaging in this assessment. Given the complexity of today’s domestic violence advocacy experience, we need a thorough understanding of confidentiality so that we can successfully protect the needs of battered women.

DEFINITIONS

In re-examining your agency’s confidentiality policy and practices, it is helpful to have an understanding of the difference between “confidentiality” and “privileged communications.” Generally, the law protects the privacy of individuals by making certain information “confidential.” Usually, information is considered confidential if it cannot be disclosed without the permission of the individual to whom it pertains. This permission is commonly granted with a written release of information. There are some legally defined exceptions when confidential information may be disclosed without the express consent of the affected individual. One major exception to the protection of confidentiality is a court order requiring the release of information to resolve a case before the court.

However, even a court will not require the release of information where there is “privileged” communication. Communication within certain relationships are considered to be so private that even where the information disclosed is relevant to a court decision, the court may not require that it be made available. The discussions and written communication people have in these private relationships is called “privileged.” These relationships include the relationship of an attorney and a client, a member of the clergy and a confessing individual, a mental health therapist and a patient, a husband and a wife, a sexual assault advocate and a victim. Since July 2006, a domestic violence advocate and a victim have been included in these categories as well (see RCW 5.60.060).

When there is a privileged communication, neither party to the communication may be required to testify in court regarding the content of the communication. There are some

exceptions and limitations that apply to each of the privileges granted to these relationships.

In the case of domestic violence advocates, this privilege applies when domestic violence survivors work with staff and volunteers at community-based agencies, but *not* with domestic violence advocates employed by, or under the direct supervision of, a law enforcement agency, a prosecutor's office or Child Protective Services (CPS).

In order to maintain the privileged nature of any information disclosed by a domestic violence survivor, the conversation must take place between an advocate and survivor only, or with a spoken language or sign language interpreter present. If an interpreter is used, their role has to be clear: to facilitate communication between the survivor and advocate. If they are also providing support to the survivor (for instance, if they are a family member or friend who is acting as an unofficial interpreter in the situation instead of a contracted interpreter for your agency), then the communication may not be privileged.

Also, if the survivor has a friend or family member present, even if the conversation cannot be considered privileged, it would still be protected by broader confidentiality laws and your agency's confidentiality policies. If survivors want to have another person in the room with them for support while disclosing private information to an advocate, you should explain to them how that changes the level of protection for their story (namely, that the information will *not* be privileged communication under the law, but your agency has policies in place to keep it as confidential as possible) and let them decide how to proceed.

FEDERAL AND STATE LEGAL OBLIGATIONS

Federal and State Funding Statutes Require Domestic Violence Program Confidentiality

Federal Statutes

- **Programs that release records or information concerning battered women without the battered women's express consent may be violating federal law.**

Funding programs from the U.S. Department of Health and Human Services (HHS), the U.S. Department of Justice (DOJ) and the U.S. Department of Housing and Urban Development (HUD) attach statutory and regulatory requirements to recipients of funding which compel domestic violence programs to maintain confidentiality of program participants.

For example, some grant programs authorized by federal law—the Family Violence Prevention and Services Act (FVPSA), the Victim Compensation and Assistance

Program (part of the Victims of Crime Act of 1984) (VOCA) and the Emergency Shelter Grants Program (ESP)—include statutory or regulatory language which require a domestic violence program, as a condition of funding, to have policies and procedures which will assure that confidentiality of served individuals will be maintained.

Violence Against Women Act (VAWA) 2005 [42 U.S.C. §13925; Public Law 109-162, Section 3(a)(18)]

The federal Violence Against Women Act was reauthorized by Congress in 2005. The legislation contains new language to protect the confidentiality of data pertaining to victims of domestic violence, dating violence, sexual assault or stalking. All recipients of VAWA grants (including STOP, GTEA and LAV) are prohibited from disclosing “personally identifying information” (see definition below) about program participants. The same language applies to recipients of funds under the Family Violence Prevention and Services Act (FVPSA) and McKinney-Vento Homeless Assistance Program.

(18) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.

The term “personally identifying information” or “personal information” means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

- (A) a first and last name;
- (B) a home or other physical address;
- (C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
- (D) a social security number; and
- (E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of subparagraphs (A) through (D), would serve to identify any individual.

Victim of Crime Act (VOCA) (42 U.S.C. 10601-10604)

Domestic violence programs which are granted funds under VOCA are required to follow 42 U.S.C. 10604(d) and (e), which specifically prohibit recipients of money under VOCA from revealing any information about a program participant that could be identified as any specific private person. Also, this information is immune from legal process in all proceedings. Violations of these provisions can result in suspension of funding.

State Statutes

- **Washington state law protects communication between a domestic violence advocate and program participant.**

RCW 5.60.060:

(8) A domestic violence advocate may not, without the consent of the victim, be examined as to any communication between the victim and the domestic violence advocate.

- **State law prohibits domestic violence programs from releasing records about a program participant without their written permission.**

RCW 70.123.076:

A domestic violence program, an individual who assists a domestic violence program in the delivery of services, or an agent, employee, or volunteer of a domestic violence program shall not disclose information about a recipient of shelter, advocacy, or counseling services without the informed authorization of the recipient.

- **State law protects domestic violence program records about program participants as confidential (with some exceptions for judicial review).**

RCW 70.123.075:

- (1) Program participant records maintained by domestic violence programs shall not be subject to discovery in any judicial proceeding unless:
 - (a) A written pretrial motion is made to a court stating that discovery is requested of the program participant's domestic violence records;
 - (b) The written motion is accompanied by an affidavit or affidavits setting forth specifically the reasons why discovery is requested of the domestic violence program's records;
 - (c) The court reviews the domestic violence program's records *in camera* to determine whether the domestic violence program's 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, taking into account the further trauma that may be inflicted upon the victim by the disclosure of the records; and
 - (d) The court enters an order stating whether the records or any part of the records are discoverable and setting forth the basis for the court's findings.
- (2) For purposes of this section “domestic violence program” means a program that provides shelter, advocacy, or counseling services for domestic violence victims.

Records cannot be directly handed over to the requestor or attorney when a domestic violence program receives a subpoena: the court must perform a private review of the records to determine whether there in fact might be a need to breach confidentiality by disclosing the records.²

² See *State v. Kalakosky*, 852 P.2d 1064 (Wash. App. 1993).

RECOMMENDED POLICY

It is the policy of [name of agency] to hold confidential all communications, observations and information made by, between or about program participants. This includes all program participant, service and administrative records resulting from telephone contacts, and any other work product related to recipients of service. Communications are confidential whether made by adults or children, and whether to or between staff, volunteers, student interns or board members of this organization.

There are a limited number of exceptions to breaching the confidentiality of program participants. These exceptions are as follows:

- Duty to report child abuse or neglect (RWC 26.44.030);
- Duty to warn of an imminent threat of harm to self or others (this is known as a *Tarasoff* warning, based on case law);
- Following a court order, after a judge privately reviews program participant records (RCW 70.123.075); or
- When given express permission by the program participant to release information.

RECOMMENDED PROCEDURES³

General Agency Procedures

1. All staff, volunteers, student interns and board members should sign an agreement to maintain the confidentiality of program participants.
2. When appropriate, all staff, volunteers, student interns and board members should sign an agreement to maintain the confidentiality of the emergency housing location.
3. All program participants, whether they are receiving services in person or on the telephone, will be informed of the confidential nature of program services.
4. Persons served by telephone will be informed of the importance of maintaining confidentiality regarding any information relayed to them, including the procedures for accessing shelter or locations of support group meetings.
5. Persons who receive face-to-face services (such as legal advocacy, community advocacy or support group) will be informed of the confidentiality policy and asked not to disclose any information regarding other program participants while using program services and after termination of services.

³ This material draws extensively from the model confidentiality policy drafted by the Pennsylvania Coalition Against Domestic Violence (Barbara J. Hart, Staff Counsel) in December 1992 and contained in the Appendix of “Confidentiality for Domestic Violence Service Providers In Arizona Under Federal and State Law,” Arizona Coalition Against Domestic Violence, June 2001.

6. Requests for information by any third party (e.g., child protective services, prosecutors, mental health providers, friends or family), including the program participant's attorney, will not be honored without express written permission from the program participant, with the exception of mandatory reporting of child abuse/neglect or a "duty to warn" circumstance.
7. All communications are confidential, even when shared by the program participant in the presence of the advocate and any third parties who are working on behalf of the program participant.
8. The agency should develop a process for responding to subpoenas for program participant records, other work product or communications between the program participant and staff/volunteers.
9. The agency should establish a relationship with an attorney who understands the program's legal obligations and potential liability under federal and state confidentiality laws, and is committed to the policies of the program.
10. The agency should provide the confidentiality policy and supporting documents, such as written releases, in appropriate language (basic literacy level as well as language translations) and accessible formats (such as tape cassette or large print) to the program participant.
11. The agency should provide periodic training of staff, volunteer and board members about their legal obligations regarding confidentiality procedures and the importance of maintaining confidentiality for program participants.
12. The agency should monitor the implementation of the confidentiality policy and workplace practices.

Internal Agency Communication

At a minimum, women who seek out domestic violence services are risking personal safety and are frequently facing huge additional barriers, especially if they have minor children. As a society, we offer inconsistent protections to victims and accountability of their batterers. Therefore, program participants need to know that the domestic violence advocate will keep the information they reveal confidential and work on their behalf when collaborating or negotiating with other agencies.

Working with the Program Participant

It is the agency's responsibility to ensure that all program participants who use the program's services clearly understand the confidentiality policy and procedures. The agency should explain how the confidentiality policy supports safety for all program participants.

On the Phone

1. The advocate will inform the program participant of the importance of maintaining confidentiality regarding any information relayed to her, including but not limited to the name of the advocate, name of others accessing services, the location of the shelter or support groups.
2. The advocate will inform the program participant that in order to receive services she will need to honor the agency's confidentiality policy. If the program participant breaks the confidentiality policy, this will be considered grounds for termination of services or the relationship with the program.
3. The advocate will explain to the program participant that it is the agency's intent to protect the information she discloses as confidential, but a court could order the release of the program participant's written record information or her children's file.
4. The advocate will inform the program participant about the agency's policy regarding reporting child abuse. The advocate should allow for sufficient time to answer the program participant's questions and provide this information before the program participant discloses any information about her situation. The advocate will explain the circumstances under which reporting would be made and the process for making the report.

In Person

Protecting confidentiality is a complex and vital issue for victims of domestic violence and their children. The initial contact in the shelter, in the community advocacy, legal advocacy or transitional housing programs is a critical opportunity to tell the program participant that you recognize the importance of confidentiality and inform her of the ways the agency will keep her information confidential.

The advocate will:

1. Inform the program participant of the agency's confidentiality policy and procedures for protecting information, and provide a written "notice of rights" to confidentiality as outlined in WAC 388-61A-0149 (see model notice in the Appendix).
2. Inform the program participant of the legally mandated child abuse reporting requirements before she discloses any information.
3. Inform the program participant of the importance of maintaining confidentiality regarding any information relayed to her, including but not limited to the name of the advocate, name of others accessing services, the location of the shelter or support groups.
4. Inform the program participant that conversations with an advocate can be considered legally privileged, and provide examples of what that means.

5. Inform the program participant that if she wants the advocate to share information about her, she must sign a written release of information specifying to whom and to what extent the advocate can disclose information. The advocate will give the program participant a copy of the release of information (see model release form in the Appendix).
6. Inform the program participant that the agency's intent is to keep the information she gives to the agency confidential, but a judge could order the agency to turn over records to the court.
7. Inform the program participant of the agency's policy in the event of her death. The advocate will ask the program participant if she would like any information released in the event of her death, which she can agree to by signing a form that allows the agency to release limited information to individuals or entities identified by the program participant.
8. Inform the program participant that she can change her mind after signing the release of information and tell the advocate not to release the information. The advocate will tell the program participant that this is possible as long as the agency has not already taken any action.
9. Inform the program participant that in order to receive services she will need to honor the agency's confidentiality policy. If the program participant breaks the confidentiality policy, this will be considered grounds for termination of services or the relationship with the program.
10. Inform the program participant that advocates must report any threats of suicide to a mental health institution. Program participant consent is not required in these circumstances.
11. Inform the program participant that advocates must report threats to harm others to law enforcement. Program participant consent is not required in these circumstances.
12. Inform the program participant that the advocate will not confirm that she is receiving agency services with anyone calling the agency looking for her.
13. Inform the program participant that she does not have to disclose if she has outstanding warrant(s) against her; however, if she does choose to disclose, the advocate will not report her. The advocate will also support her in taking steps to remove or resolve the warrant.
14. Offer the program participant continuous opportunities to plan and review decisions that impact confidentiality.
15. Make sure that the support group curriculum routinely includes a discussion about protecting the confidentiality of the participants. The curriculum should include several examples of the ways an individual's confidentiality could be violated or preserved.
16. Assist the program participant in figuring out the best way to discuss with her children ways to protect their confidential information.

Confidentiality for Staff, Board Members and Volunteers

New staff, board members and volunteers must be informed and thoroughly understand the agency's confidentiality policy and procedures. Staff, board members and volunteers must sign a confidentiality agreement as a requirement of their relationship with the agency and honor it while working for the agency or in the event of resignation or termination. Staff, board members and volunteers must receive continuing training on confidentiality concerns for program participants and workplace practices.

There are different situations in which staff members or volunteers need to share information about the program participant within the agency, such as at staff meetings, during or changing shifts or when problem solving. (For more about this topic, please refer to "Talking with other staff and volunteers" in the Appendix.)

Advocates are allowed to share information about the program participant with other staff members and volunteers to get technical assistance and emotional support. Advocates should avoid sharing detailed information about a program participant or information that is not directly relevant to providing services (such as HIV, chemical dependency or immigration status).

Advocates will protect a program participant's confidentiality and privacy by:

1. Ensuring that exchanges with other co-workers are necessary for the program participant's safety or to provide services in the most thorough manner.
2. Ensuring program participants' privacy when sharing information with other co-workers.
3. Ensuring that program participants do not overhear information about others using agency services.
4. Instituting a policy for advocates (on the crisis line or in other positions) who are acquainted with, are friends with or family members of any person seeking services that they refer the program participant to another staff member.
5. Ensuring that program participants' confidentiality is protected with people outside of the agency, even when they are friends and family. Advocates should not share information (even without disclosing the individual's name), as other people may recognize a particular program participant's story.
6. Ensuring program participant information is not shared across organizations if advocates, volunteers or relief workers work at multiple agencies.
7. Protecting program participant information when assisting in transfer to another shelter. In that situation, the advocate will have a release of information signed by the program participant and specifying to what extent the advocate can share information. The advocate will arrange for the program participant to be present when information is shared.

Response to Subpoenas

If the advocate or the advocate's agency is confronted with a subpoena, it is important that they use whatever legal means they have at their disposal to resist the subpoena and avoid disclosure of the requested information. If the subpoena relates to an advocate testifying about conversations she had with a program participant, the agency should assert that those communications are privileged under RCW 5.60.060(8).

If the subpoena relates to written records, the program should consult an attorney and ask the judge to review the documents in chamber (as allowed under RCW 70.123.075). If the agency must turn over program participant records to the court, the advocate should explain to the program participant that disclosure of information is the decision of the court, not the advocate or the agency.

External Agency Communications

While collaboration with others may be necessary in a particular circumstance, domestic violence agencies may frequently find themselves engaged in ongoing discussion with other agencies regarding the importance of victim safety and their program's confidentiality practices and legal obligations. It is imperative that advocates always keep program participants' confidentiality, safety and privacy in mind, as well as the potential harm that may result if they are violated.

When working with other agencies, the disclosure of information is limited to the specific permission granted by the program participant. A release of information should, at a minimum, address the following concerns:

- Why does this person (or institution) need this particular information?
- What is the immediate or long-term impact on the program participant? (For example, could the release of information be damaging to the program participant in a custody hearing?)
- Does disclosing this information create an expectation that similar information will be disclosed about other program participants in the future?

Training

Training is an essential time for staff, board members and volunteers to learn about protecting the confidentiality of program participants and the agency's policy and procedures. Because the protection of confidentiality is a complex issue, the agency should provide ample time to review and analyze their confidentiality policy's effectiveness and implementation.

Staff, board members and volunteers should understand the different roles and legal obligations regarding confidentiality and legal privilege for community-based domestic

violence advocates and representatives from other institutions (e.g., mental health therapists, child protective workers, court staff and court-based advocates) when protecting a program participant's confidentiality. Advocates who understand the limitations, legal obligations and exceptions in protecting confidentiality will be able to clearly communicate this information and explain the differences to the program participants.

Protecting Confidentiality of Immigrant and Refugee Women

Advocates need to remember that it is not a requirement for immigrants and refugees to disclose their legal status to receive domestic violence program services, or many other social services. Advocates should never recommend to immigrant and refugee program participants that they disclose their legal status to other domestic violence agencies or institutions such as WorkFirst, CPS or courts.

Advocates should *never* contact Citizenship and Immigration Services (CIS) [formerly the Immigration and Naturalization Service] when they are trying to determine the legal status, benefits or legal options of an immigrant or refugee program participant. When an advocate has such questions, she should contact an immigrant rights agency such as Northwest Immigrant Rights Project (206-587-4009, ask for the domestic violence advocate). Disclosing information to CIS or other agencies without consulting an immigrant rights attorney or advocacy agency could jeopardize immigrants' and refugees' safety, their legal status in this country and possibly lead to deportation or further danger.

Confidentiality and the Media

Frequently, representatives of print, radio or television media contact domestic violence agencies when a domestic violence homicide, or other domestic violence-related crime, has been committed. It is helpful for agencies to have a contact person(s) as the identified source for reporters. All advocates should be aware that it is important to maintain confidentiality with the media at all times, including in the event of a program participant's death.⁴ Even if a reporter has heard from another source that a woman has accessed services from your program, domestic violence agencies must not confirm or deny whether any individual has ever received services.

Advocates can provide the media with information about domestic violence without discussing the specifics of a case and violating the confidentiality of program participants. Additionally, advocates must discuss with program participants the

⁴ Some domestic violence programs have chosen to talk with participants about the potential lethality of abuse and ask if they would like the program to share information with police, prosecutors, the WSCADV Fatality Review Project, or others if the participant dies. WSCADV has developed a model "In the Event of Death" release form and corresponding policy. For more information or to receive a copy, contact Fatality Review staff at 206-389-2515 or wscadv@wscadv.org.

importance of maintaining the confidentiality of any other current or past program participant in any interaction with the media.

The Domestic Violence Fatality Review Project at WSCADV is available for technical assistance around working with local media following a domestic violence fatality. The Fatality Review has also developed a media guide, *Covering Domestic Violence: A Guide for Journalists and Other Media Professionals*, which is available on our website for advocates to share with their local media contacts.

APPENDIX

Talking with Other Staff and Volunteers about Maintaining Program Participants' Confidentiality and Privacy

Excerpted from *Basic Educational Resource To Help Advocates: A practical guide to working at a domestic violence program in Washington State*, Washington State Coalition Against Domestic Violence, reprinted January 2001, chapter 3, p. 38-39.

All programs have confidentiality policies. Most of these policies have a provision that states that workers within a program can tell *each other* about a victim's story. This is important because at times people will ask you questions you can't answer. Even counselors who have worked for a long time get stumped when people call with unusual problems.

Everyone has the need for emotional support too. Many counselors go along for months listening to one sad or scary story after another feeling relatively fine until, BLAM, someone comes along and tells a story that stops the counselors cold in their tracks. If and when this happens to you, you will need emotional support.

Technical assistance and emotional support are the two reasons why you are allowed to talk with your co-workers about the people who call you for help.

Even though you can and should talk with your co-workers, you still need to think about how you go about doing that. Above all else, you must remember that all victims deserve respect and privacy.

Pretend that you have just received a crisis call from a woman who has a legal question and you don't know what her options are. You go to one of your co-workers. Here are two ways you can ask your question:

***Option 1** – “I just got a call from a woman who went to court this morning for a protection order – the judge denied it. She told me her story and I think she's in a lot of danger. I read her written statement to the court and she didn't write down any of the things that her husband did and threatened to do to harm her and the two kids. She didn't have an advocate at court and she was too intimidated by the whole scene to tell the judge when the judge asked questions. So the court wouldn't grant her an order. I'm a little confused about this. Can I go back with her this afternoon and help her reapply or what?”*

***Option 2** – “I just got a call from Sue May Hoddlestin. I think you must know her. Her two kids Stephanie and Clark go to school over at Jefferson and are about the same age as your kids. Well anyway, she went to court to get a protection order and the judge denied it. But really, she told me all this horrible stuff has happened to her. Her husband John, do you know him? He choked and raped her*

last week, and has beat her up over and over again in front of the kids. He beat the kids too. It's awful. Anyway, the judge denied her petition for an order. Can I go back up there with her this afternoon and help her reapply or what?"

The differences in these two ways of asking the same question are obvious. Pretend that you are Sue May. Pretend that you are the person who knows Sue May because your kids go to school together.

Some of you may be thinking, "Sue May's the *victim*. She shouldn't feel embarrassed or ashamed that we know her story." True. But the fact remain that victims have a legitimate reason for keeping their abuse quiet. Victims are still harshly judged by many institutions and individuals. Sue May didn't call a confidential service because she wants the whole town to know. [. . .]

Whether you live in Spokane or Forks, you live in a small town. People know people who know people. Word gets around. Victims know this, which is why they call a confidential service. Some people call anonymously – they won't even give their first name. A person who calls a confidential service anonymously is giving a pretty clear message of their intent to keep private.

Some people call you because they don't have anyone else. Even those who have relatively good support systems choose to call a confidential service for help rather than confide in the people they are close to. Why? Perhaps because they want time to figure things out for themselves before being bombarded by advice from well meaning (but misguided) loved ones.

Some victims don't care about privacy. They would just as soon publish their story on the front page of the newspaper. You can never know what people need or want (and it might change anyway) so to be on the safe side, the most respectful thing you can do is maintain a victim's privacy in every way you can – including with your co-workers.

Release of Confidential Information

We will not release any information about you without your permission, unless a legal exception exists, as explained on the Notice of Your Right to Confidentiality form. You do not have to give permission or sign a release of confidential information in order to receive services. It is completely your decision. You can withdraw your permission (in writing or orally) at any time. If you sign a release of information, you do not give up your right to have any of this information protected under other laws or rules.

I, _____, authorize this program to release the following information:
(Printed name of Program Participant)

to: _____ and/or _____
(Name of agency) (Name of staff person)

I understand that I can revoke my permission to release confidential information at any time. This release of information is good until _____.
(Expiration Date)

**** If no date is entered, the release will automatically expire in 90 days. ****

I understand this consent form does not release medical, HIV/AIDS related information, or Alcohol/Drug related information unless I have specifically stated so above.

Participant Signature

Date

Staff Signature

Date

FOR REVOCATION OF CONSENT ONLY

Release revoked on this date: _____

Signature of Participant: _____

Signature of Staff: _____

Notice of Your Right to Confidentiality

Safety is a priority of our program. To respect your privacy and help support your safety and right to make your own decisions, we will make every effort to keep what you tell us confidential. Confidential information includes:

- any written or spoken communication between a person seeking/receiving services and any program staff, volunteer, or board member;
- any records or written information identifying a person to whom services are provided; and
- any information about services provided to an individual.

We will not disclose anything about you without your permission, unless a legal exception exists. Legally, we are obligated to release confidential information if we are required by a court order. We are required by law to contact CPS if we suspect your child has been abused or neglected. We are also required by law to contact law enforcement when there is potential suicidal behavior or threat of harm to others that is likely to result in a clear, imminent risk of serious physical injury or death to you or another person.

It is your choice to decide what information you share about yourself and you may change your mind and withdraw the release at any time. You do not have to give permission or sign a release of information in order to receive services. It is completely your decision.

You may find it helpful for us to share specific and limited information with other agencies and programs. You can choose to give permission so that we can release this information about you. If you decide that we can share your information, this will be done by signing a Release of Confidential Information form. However, we will still protect your privacy and confidentiality to the best of our ability. Please note that if you sign a release of information you do not give up your right to have the released information protected under other laws or rules.

I understand the information provided on this form.

Participant Signature

Date