

ADDRESS CONFIDENTIALITY PROGRAMS

WHY IT MATTERS

Domestic violence is a pattern of behaviors involving physical, sexual, economic and emotional abuse by an intimate partner for the purpose of establishing and maintaining power and control over the other partner.¹ Violence frequently escalates when batterers believe that they are losing control of their victims, thus exposing victims to the greatest risk of serious injury or death when victims attempt to flee violent relationships.² Because many states allow information from voter registration and drivers' licenses to be accessible by the public, batterers often search public records to obtain their victims' physical addresses in order to stalk them. State-operated Address Confidentiality Programs (ACPs) provide victims of domestic violence—and in some states, stalking and sexual assault—with a legal substitute address to prevent their perpetrators from using public records to track them down.³

WHAT DO ACPs DO?

- ACPs provide victims with an substitute address, often the Secretary of State's address or a P.O. box on public records, thereby retaining confidentiality of their location.
- The Secretary of State's office or other government agency serves as an agent that collects and forwards all first class mail to victims.
- There are narrowly statutorily specified circumstances in which the actual address may be disclosed:
 - ◊ Law enforcement officials;
 - ◊ Government officials, upon a showing of a bona fide statutory or administrative requirement for the physical address;
 - ◊ Other third parties pursuant to a court order.

WHY ARE ACPs IMPORTANT?

- 1 in 4 women will experience domestic violence during her lifetime.⁴
- 81% of women who are stalked by a current or former intimate partner are physically assaulted by that partner and 31% are sexually assaulted.⁵

ACP PROGRAMS BY STATE

- 24 states currently operate address confidentiality programs and thirteen states offer confidential voter registration.
- Two states offer confidential motor vehicle registration, one state offers health insurance confidentiality, one state offers confidentiality for public utilities and government entities, one state offers confidentiality for child support and economic assistance programs, one state offers jury duty exemptions and three states have pending legislation with similar programs (see back page).
- One state opens their program to victims of domestic violence, sexual assault, stalking and/or human trafficking, and nineteen states open their programs to victims of domestic violence, sexual assault, and stalking.
- One state opens their program to victims of domestic violence and sexual assault only, one state to victims of domestic violence and stalking only, and eight states only allow victims of domestic violence to apply.

REGISTRATION REQUIREMENTS

- Many states require victims to apply for a confidential address through an enrolling agency, such as a domestic violence shelter/program, sexual assault crisis program, state or local agency, law enforcement office, certified advocate groups or victim assistance programs or through an enrolling agent such as an application assistant or trained advocate.
- While some states require victims to report the abuse to law enforcement or to have obtained an order of protection, others only require eligibility to apply for a restraining order. Most states require that they have left the abuser and live at an unknown address.
- Although a few states require that the perpetrator be an intimate partner or family member, most states allow ACP registration for those who are victims of domestic violence, sexual assault, or stalking.
- A few states require victims to register a post office box, as opposed to a government agency, as their substitute address.

REAL ID Act of 2005

- The passage of the Real ID Act in 2005 endangers victims of domestic violence, sexual assault, and stalking by jeopardizing their confidentiality.
 - ◊ Section 206(b)(6) of the Act requires that all applicants for drivers licenses or state identification cards must furnish their principal residence address to obtain a federally valid license or ID card.
- Section 827 of the Violence Against Women Act of 2005 includes a requirement for DHS to give special consideration to victims of domestic abuse, sexual assault, stalking or trafficking who are entitled to enroll in state ACP's when the agency is "developing regulations or guidance with regard to identification documents, including drivers licenses." These groups include domestic violence and sexual assault victims.⁶
- The DHS draft regulations of March 2007 provided an exemption for those individuals enrolled in a state ACP (Pg. 18) and proposed an exemption for individuals who are entitled to enroll in state ACP's (Pg. 36).⁷

ADDRESS CONFIDENTIALITY PROGRAMS IN YOUR STATE (as of 6/30/07)

- **Arizona**
A.R.S. § 16-153
- **Arkansas**
A.C.A. §27-16-811
- **California**
West's Ann.Cal.Gov.Code §6206
- **Connecticut**
C.G.S.A. § 54-240
- **Colorado ***
HB 1350
- **Delaware**
15 Del. C §1303
21 Del. C §305
- **Florida**
F.S.A. § 741.465
- **Idaho ****
HB 172
- **Illinois**
750 ILCS 61/1
- **Indiana**
IC 5-26.5-2-1
- **Kansas**
K.S.A. 75-451 through 75-458
- **Louisiana**
LSA-R.S. 44:52
- **Maine**
5 M.R.S.A. § 90-B
- **Maryland**
MD Code, Family Law
§4-519 through 4-530
- **Massachusetts**
950 CMR 130
- **Minnesota**
M.S.A. §5B.03
- **Missouri**
HB 610, SB 366 and SB 372**
- **Montana**
MT ST 40-15-115
- **Nebraska**
Neb.Rev. St. §42-1201 through
42-1210
- **Nevada**
N.R.S. 217.462
- **New Hampshire**
N.H. Rev. Stat. § 7:43
- **New Jersey**
N.J.S.A. 47:4-4
- **New Mexico**
HB 216*
- **New York**
Chapter 246 A.1377-C
Stringer / S.936-B Balboni
- **North Carolina**
N.C.G.S.A. § 15C-3
- **Oklahoma**
22 Okl.St. Ann. § 60.14
- **Oregon**
O.R.S. § 192.820 to 192.86
- **Pennsylvania**
23 Pa.C.S.A. § 6703
- **Rhode Island**
RI ST § 17-28-3
- **Tennessee**
T.C.A. 10-7-504
- **Texas**
SB 74 and HB 569 **
- **Vermont**
15 V.S.A. §1150-1160
- **Virginia**
Va. Code Ann. § 24.2-418
- **Washington**
West's RCWA 40.24.030
- **Wisconsin**
W.S.A. 6.47

* Recently signed into law **Pending legislation

IF YOU NEED HELP

For more info or to get help, call the
National Domestic Violence Hotline at 1-800-799-SAFE
National Sexual Assault Hotline at 1-800-656-HOPE

SOURCES

¹ Pirro, Jeanine Ferris, Westchester County DA (1997) *Commission on Domestic Violence Fatalities Report to the Governor*. Retrieved June 27, 2007 from New York State Office for the Prevention of Domestic Violence Website: <http://www.opdv.state.ny.us/publications/fatality/part3.html>.

² Farr, K.A. (2002). Battered Women Who Were 'Being Killed and Survived It': Straight Talk from Survivors. *Violence & Victims*, 17, 267-281.

³ (2003) *Address Confidentiality Program for Victims Fleeing Violence*. Retrieved June 27, 2007 from Pennsylvania Coalition Against Domestic Violence Website: <http://www.pcadv.org/publications/AddConf.faxable.pdf>.

⁴ Thoennes, N., & Tjaden, P. (2000). Extent, Nature and Consequences of Intimate Partner Violence. *National Institute of Justice and Centers for Disease Control and Prevention*, 5.

⁵ Thoennes, N., & Tjaden, P. (1998). Stalking in America: Findings from the National Violence Against Women Survey. *National Institute of Justice and Centers for Disease Control and Prevention*, 2.

⁶ Title VII, Subtitle C, Sec. 827 (Pub. L. 109-162, 119 Stat. 2960, 3066, Jan. 5, 2006).

⁷ "Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes; Notice of Proposed Rulemaking" 72 Federal Register 46 (9 March 2007) pp. 18, pp.36.



The Public Policy Office of the National Coalition Against Domestic Violence (NCADV) is a national leader in the effort to create and influence Federal legislation that positively affects the lives of domestic violence victims and children. We work closely with advocates at the local, state and national level to identify the issues facing domestic violence victims, their children and the people who serve them and to develop a legislative agenda to address these issues. NCADV welcomes you to join us in our effort to end domestic violence.