

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

STATE	SUMMARY	PRIVILEGE	DEFINITIONS
<p>Alabama Ala. Code 1975 § 30-6-8 (2009)</p> <p><i>Crime Counselor Confidentiality Act</i> Ala. Code 1975 §§15-23-40 To 46 (2009)</p> <p>See also Ala. R. Evid. 503A.</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>	<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>	<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>
<p>Alaska <i>Compulsory disclosure of communications prohibited.</i> Alaska Stat. §§18.66.200-250 (2009)</p> <p>See also Alaska Stat. § 24.65.100-200 (2009) (Re: office of victim's rights)</p>	<p>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 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>

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<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 (2009)</p> <p>Arizona Rev. Stat. § 12-2239 (2009)</p>	<p>Privilege applies to communications between crime victim advocate and crime victim.</p> <p>Restitution or compensation information may be disclosed even without consent.</p> <p>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 victim advocate, except for an action brought pursuant to title 36, chapter 37, relating to the civil commitment of sexually violent persons</p>	<p>Crime victim advocate shall not disclose as a witness or otherwise any communication between himself and victim, including reports, records, notes or other documents, which contain opinions, theories or other information, made while counseling the victim.</p>	<p>Crime Victim Advocate: Person employed or authorized by a public entity or a private entity that receives public funding primarily 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>Arkansas <i>Arkansas Domestic Peace Act, Program Requirements, Arkansas Code § 9-4-106 (2009)</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 shelter staff and volunteers who provide direct services to victims.</p>	

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<p>California <i>Article 8.5, Sexual Assault Victim-Counselor Privilege</i> Cal. Evid. Code §§ 1035-1035.8; 1036 and 1036.2 (2009)</p> <p>See also Cal. Evid. Code § 912 (2009)</p>	<p>Privilege between sexual assault counselor and victim.</p> <p>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 and in confidence, including all information regarding the alleged sexual assault and the victim's prior sexual conduct.</p> <p>Sexual Assault Victim Counselor: Person engaged in rape crisis center 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 rape crisis counseling).</p> <p>Holder of Privilege: Victim, victim's guardian or conservator, or personal representative of victim if victim is dead.</p>

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<p>California <i>Article 8.7, Domestic Violence Victim-Counselor Privilege,</i> §§ 1037-1037.8 (2009)</p>	<p>Privilege between domestic violence counselor and victim.</p> <p>Court can compel disclosure after an in camera review where there is a criminal proceeding regarding a crime allegedly perpetrated against the victim or another household member, and if the probative value of the evidence outweighs the effect on the victim, the treatment relationship, and treatment services.</p>	<p>Victim of a 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 if the victim is either dead or not the complaining witness in a criminal action against the perpetrator.</p>	<p>Confidential Communication: Information transmitted between the victim and the counselor in the course of their relationship and in confidence, including all information regarding incidences of domestic violence, the children of the victim or abuser, and the relationship of the victim with the abuser.</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 dead unless the guardian or conservator is accused of perpetrating the domestic violence against the victim</p>

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<p>Colorado <i>Who May not Testify Without Consent</i>, Colo. Rev. Stat. § 13-90-107 (2009)</p>	<p>Absolute 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 (2008).</p>	<p>Battered women's 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 battered women's 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 (Conn. 1987); In re. Robert H., 509 A.2d 475 (Conn. 1986).</p>	<p>Battered women's 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 battered women's center or rape crisis center be disclosed in any civil or criminal proceeding.</p>	<p>Confidential Communication: Information transmitted between a victim and a battered women's 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 battered women's counselors must be certified and have undergone 20 hours of specified training.</p>

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<p>Delaware No law that directly addresses domestic violence or sexual assault victims. But see:</p> <p>11 Del. C. § 9403 (2009) <i>Non-disclosure of information about 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. § 14.310 (2009)</p>	<p>A domestic violence counselor shall not disclose any confidential communications, with few exceptions.</p>	<p>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.</p>	<p>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.</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>

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<p>Florida <i>Sexual Assault Counselor-Victim Privilege</i>, Fla. Stat. Ann. § 90.5035 (2009)</p>	<p>Victim has absolute 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 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.</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>Florida <i>Domestic Violence Advocate-Victim Privilege</i>, Fla. Stat. Ann. § 90.5036 (2009)</p>	<p>Victim has absolute 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>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.</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>

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<p>Georgia</p> <p>No specific privilege, but see OCGA § 50-18-72 (2009) (public disclosure not required of records specifically required by the federal government to be kept confidential).</p> <p>See also OCGA § 46-5-7 (2009)(phone service providers required to keep shelter locations confidential</p> <p>Ga. Unif. Super. Ct. R. 24.9 Section 5 (2009) (Release to GAL of a Party's Confidential Information from Nonparties. A GAL's right to request and receive documents and information from mental health professionals, counselors, and others with knowledge of a confidential nature concerning a party is conditional upon the party agreeing to sign a release allowing the GAL access to such records and information.)</p> <p>OCGA § 24-9-21 (2009) (communications between a patient and a licensed professional counselor are confidential).</p>			

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<p>Hawaii <i>Victim-Counselor Privilege</i>, Hawaii Rev. Stat., Rules of Evid., Rule 505.5 (2009)</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>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 (2009)(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 (2009) and Idaho Code § 9-203(2009) (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 (2010)</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 (2010)</p> <p>See also 750 Ill. Comp. Stat. 60/227.1 (2010)(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 (2010)</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>

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<p>Indiana <i>Privileged Communications and Victim Counselors</i>, Burns Ind. Code Ann. 35-37-6-1 to -11 (2009)</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 confidential information to anyone or in any judicial, legislative or administrative proceeding.</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 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>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> <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>

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<p>Iowa <i>Victim Counselor Privilege</i>, Iowa Code Ann. § 915.20A (2008) (NOTE: former section 236A.1 is similar; repeal of former section probably intended).</p>	<p>A victim counselor shall not be examined or required to give evidence in criminal proceeding as to any confidential communication made by a victim to a counselor.</p> <p>In camera review procedure may compel disclosure in a criminal case.</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 in 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 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>	<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.</p>
<p>Kansas No specific domestic violence or sexual assault counselor privilege, but see Ks. Stat. Ann. § 65-5810 (2008) (licensed professional counselor privilege).</p>			

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<p>Kentucky <i>Counselor Client Privilege, Kentucky Rule of Evid., 506 (2009)</i></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 domestic violence program clients or former clients. 209A.070 (2010).</i></p>	<p>All records, requests for services, and reports that contain information that 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>All records, requests for services, and reports that contain information that 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>	

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<p>Louisiana <i>Family Violence Shelters: Privileged Communications and Records</i>, La. Rev. Stat. Ann. 46:2124.1 (2009)</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>Maine <i>Privileged Communications to Sexual Assault Counselors</i>, 16 Maine Rev. Stat. Ann. §53-A (2009)</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 (2009)</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 reporting, cooperating in an investigation or giving evidence in a child abuse or neglect case, or with the victim’s consent, 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 (2009)</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 of her assistants in any event.</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 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>Maryland No specific domestic violence or sexual assault counselor privilege, <i>but see</i> Md. Code, Courts and Judicial Procedure, § 9-109.1 (2009) (professional counselor privilege) and Md. Code, Courts and Judicial Procedure, § 9-121 (2009)(licensed social worker)</p>			

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<p>Massachusetts <i>Sexual Assault; Confidential Communication With Sexual Assault Counselor</i>, Mass. Gen. L. Ann., Ch. 233, § 20J (2009)</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; <i>Commonwealth v. Fuller</i>, 667 NE2d 847 (1996); <i>US v. Lowe</i>, 948 F. Supp. 97 (1996). <i>Commonwealth v. Howard</i>, 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>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>

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<p>Massachusetts <i>Domestic Violence Victims' Counselors; Confidential Communications</i> Mass. Gen. L. Ann., Ch. 233, § 20K (2009)</p> <p><i>See also: Mass. Gen. L. Ann., Ch. 233, § 20L (2009)(location of dv victims' programs and rape crisis centers are confidential)</i></p>	<p>Domestic violence counselor shall not disclose confidential communication without written consent of victim.</p> <p>Statute provides for in camera review in criminal actions.</p>	<p>Domestic violence counselor shall not disclose confidential communication without written consent of victim.</p> <p>Confidential communication not 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>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 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>

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<p>Michigan <i>Evidence</i>, Mich. Comp. L. Ann., § 600.2157a (2009)</p> <p>See also, Mich. R. Crim. Pro. 6.201 (C) (2) (2009).</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 NW2d 557 (Mich. 1994). In camera review and disclosure allowed.</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 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>Confidential Communication: Information transmitted between a victim and a sexual assault or domestic violence counselor. Includes records.</p> <p>Sexual Assault or Domestic Violence 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>

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<p>Minnesota <i>Testimony of Witness, Minn. Stat. Ann. § 595.02(k) (2009)</i></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>Sexual Assault Counselor: Must have 40 hours of training and work under the direction of a supervisor in a crisis center.</p>
<p>Minnesota <i>Testimony of Witness, Minn. Stat. Ann 595.02(k)(1)(2010)</i></p>	<p><i>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.</i></p>	<p><i>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.</i></p> <p><i>Domestic abuse advocates are mandated reporters of suspected child abuse/neglect.</i></p>	<p><i>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.</i></p>

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<p>Mississippi</p> <p>No specific domestic violence or sexual assault counselor privilege, but see Miss. Stat. Ann. 73-30-17 (2009) (licensed professional counselor privilege).</p> <p>See also: Miss. Stat. Ann. § 93-21-109 (2009)(domestic violence shelter program records withheld from public disclosure. Address of shelter program also confidential.)</p> <p>See also: Miss. Stat. Ann. § 93-21-107 (2009) State funded domestic violence programs required to maintain confidentiality of any client identifying information.</p> <p>See also Miss. Code Ann. § 93-21-9 (2009) (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>			

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<p>Missouri <i>See Requirements for Shelter to Qualify for Funds, Mo. Stat. Ann. § 455.220 (2009)</i></p> <p><i>See also, State ex rel. Hope House, Inc. v. Commissioner Molly M. Merrigan, 133 SW3d 44 (MO 2004).</i></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>Domestic violence shelter employees or volunteers are incompetent to testify concerning confidential information, unless written consent.</p>	<p>Confidential Information: Includes identifying information and any information or records directly related to the advocacy services provided by the shelter.</p>
<p>Montana <i>Advocate Privilege Mont. Code Anno. § 26-1-812 (2009)</i></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>

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<p>Nebraska R.R.S. Neb. § 29-4301 to 4304 (2005)</p> <p>See also R.R.S. Neb. § 42-918 (2009) confidentiality of information shared in context of domestic abuse protection act.</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 after in camera review.</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 produce records concerning a confidential communication for any purpose in any criminal, civil, legislative, administrative or other proceeding, except by court order, after in camera review.</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 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 (2009)</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.</p>	<p>Confidential Communication: Is not intended to be disclosed to third persons.</p> <p>Victim: Includes domestic violence or sexual assault victim.</p> <p>Victim Advocate: Works or volunteers for non-profit program and has 20 hours of training.</p>

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<p>New Hampshire <i>Confidential Communication Between Victims and Counselors</i>, N.H. Rev. Stat. Ann. §173-C:1 to C:10 (2009)</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 disclosure may be made.</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, 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 <i>in camera</i> 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>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> <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>

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<p>New Jersey <i>Victim Counselor's Privilege</i>, N.J. Stat. Ann. 2A:84A-22.13 to #22.16 (2009)</p> <p>N.J. Evid. Rule 517 (2009)</p>	<p>Absolute privilege: 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, unless the shelter is a party.</p> <p>Privilege found to be absolute (no in camera review or disclosure ordered, absent compelling reason) in <i>State v. J.G. 619 A.2d 232</i> (N.J. Super. 1993), cert. den. 627 A2d 1142 (N.J. 1993).</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 testimony in any civil or criminal proceeding that would identify the name, address, location or telephone number of a domestic violence shelter.</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 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 (2009)</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.</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 of district attorney's office. 40 hours of training required, or minimum of one year of experience in victim counseling.</p>

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<p>New York <i>Rape Crisis Counselor</i>, N.Y. Civ. Prac. L. & R. § 4510 (McKinney’s Consol. 2010)</p> <p>See also: N.Y. Family Court Act § 1046 (a) (vii) (McKinney’s Consol. 2009) and N.Y. Crim. Pro. § 60.76 (McKinney’s Consol. 2009).</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>Under N.Y. Crim. Pro. § 60.76, criminal defendant can move for disclosure; <i>in camera</i> review procedure.</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 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>Confidential communication not specifically defined; statute protects any communication made by client and any advice given thereon, including records.</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>

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<p>North Carolina NC Gen. Stat. 8-53.12 (2009)</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 or criminal case; <i>in camera</i> review procedure.</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 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</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 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>

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<p>North Dakota <i>Domestic Violence or Sexual Assault Program Records</i>, N.D. Century Code, § 14-07.1-18 (2009)</p> <p>See also N.D. Sup. Ct. Admin. Rule 34 (2009)(rule regarding domestic violence advocates)</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 confidential.</p> <p>Court can order in camera review in child abuse or neglect cases.</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, 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 See ORC Ann. § 3113.36 (2006)(employees or volunteers at shelter must maintain confidentiality of victim identifying information.)</p> <p>See also ORC Ann. §3113.40(2006)(shelter required to provide last known address/county of residence to child protective services.)</p>			

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<p>Oklahoma <i>Contracts for shelter and services – Disclosure of case records, shelter locations, or board member information, 74 Okl. St. Ann. § 18p-3 (2009)</i></p> <p><i>See also: Oversight by Attorney General – Collection and Confidentiality of Information Records, 74 Okl. St. Ann. § 18p-8 (2009) (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>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> “for good cause shown.”</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>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>Client Records: Include but are not limited to, all communications, records and information regarding clients of domestic violence and sexual assault programs.</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 (2009)</i></p>	<p>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 (2009)</i></p>	<p>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>

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<p>Pennsylvania <i>Protection From Abuse: Confidentiality</i>, 23 Pa. Cons. Stat. Ann. § 6116 (2009)</p> <p><i>See also</i>, 23 Pa. Cons. Stat. Ann. § 5309 (2005) (shelter address confidentiality)</p> <p><i>See</i> 23 Pa. Cons. Stat. Ann. § 6102 (2009) for definitions</p>	<p>Domestic violence counselor/advocate or a co-participant may not testify as to confidential communication. Privilege found to be absolute. 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>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>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 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>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>Pennsylvania <i>Confidential Communications to Sexual Assault Counselors</i>, 42 Pa. Cons. Stat. Ann. § 5945.1 (2009)</p>	<p>Absolute 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 present during counseling.</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 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)</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>		

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<p>South Carolina No relevant law.</p>			
<p>South Dakota No specific domestic violence or sexual assault counselor privilege, but see S.D. Codified Laws § 36-32-27 (2009) (licensed professional counselor privilege).</p>			
<p>Tennessee <i>Confidentiality of Records of Centers</i>, Tenn. Code Ann. § 36-3-623 (2009) <i>Public Records: Confidential Records</i>, Tenn. Code Ann. § 10-7-504 (2009)</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>	

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<p>Texas <i>Sexual Assault Prevention and Crisis Services: Confidential Communications</i>, Vernon's Tex. Govt Ann § 420.071-420.075 (2009)</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 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>	<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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<p>Utah <i>Confidential Communications for Sexual Assault Act</i>, Utah Code Ann. § 78-38-201 et. seq.</p> <p><i>See also</i> Utah Code Ann. § 78B-1-137 (2009) <i>Witnesses – privileged communication</i></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>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 to 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 and includes 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>Vermont <i>Victim and Crisis Worker Privilege</i>, 12 Vermont Stat. Ann. § 1614 (2009)</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, including any record made in the course of providing support, counseling or assistance to the victim.</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 program or is herself a supervisor; and is certified by the program.</p> <p>Confidential Communication: Not intended to be disclosed to third persons.</p>

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<p>Virginia No specific domestic violence or sexual assault counselor privilege, but see Va. Code Ann. § 8.01-400.2 (2005) (licensed professional counselor privilege).</p>			
<p>Washington <i>Shelters For Victims of Domestic Violence – Client Records</i>, Rev. Code of Wash. Ann. § 70.123.075 (2009) <i>Victim of Sexual Assault Act – Records of Rape Crisis Centers Not Available as Part of Discovery</i>, Rev. Code of Wash. Ann. § 70.125.065 (2009)</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 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>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 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>Domestic Violence Program: A program that provides shelter, advocacy, or counseling services for domestic violence victims.</p>
<p>Washington <i>Who Are Disqualified – Privileged Communications</i>, Rev. Code of Wash. Ann. § 5.60.060 (2009)</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>

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Thanks to law student Scott Goldstone for his critical contributions to this project

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<p>West Virginia <i>Domestic Violence Act; Confidentiality,</i> W.Va. Code § 48-26-701 (2009)</p>	<p>Domestic violence shelter records are protected from disclosure except under exceptions stated in the statute.</p> <p>Court can order disclosure.</p>	<p>No domestic violence program or shelter receiving funds under the domestic violence act shall disclose or be compelled to disclose, release or be compelled to release any written records created or maintained in providing services. Among other exceptions, any court 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>	

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<p>Wisconsin <i>Domestic Violence or Sexual Assault Advocate-Victim Privilege</i> Wisc. Stat. Ann. § 905.045 (2009)</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 supercedes 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 (2009)</i></p>	<p>Domestic violence or sexual assault advocate shall not be examined as a witness in any civil, criminal, legislative or administrative proceeding.</p>	<p>Family violence or sexual assault advocate shall not be examined as a witness in any civil, criminal, legislative or administrative proceeding concerning confidential communication, subject to certain exceptions.</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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