

"Claim of Risk" for Safety Protection:

- If you would like to get child support or medical coverage from the person who has abused you but do not want that person to be able to get your *personal identifying* information for safety reasons, ask your worker for a "Client Safety Packet." If you fill out the "Claim of Risk" and "Address of Record" forms and give a contact address, the State of Oregon must protect the confidentiality of your personal identifying information and home address in establishing or collecting child support.

"Address of Record" for Basic Protection:

- An address of record (for example, a post office box or other contact address) may be used in place of a home address on all the paperwork in your support case. This does not protect your personal identifying information. If you want this protection, tell your child support worker and fill out the "Address of Record" form. Your address of record must be in the state in which you live, and it should be an address where you get your mail regularly (every one or two days).

WHAT OTHER FORMS OF INFORMATION PROTECTION ARE THERE?

Name and Social Security Number Change

If your situation is very dangerous, you may want to think about changing your identity by changing your (and/or your child's) name and Social Security number. These changes take time and can mean a loss of your work history, education history, rental history, credit history, references, family, friends, etc. Changing your identity is not completely safe. Computers have made it easier to find survivors who have changed their identities. If you are thinking about changing your name and Social Security number, it is best to talk to an attorney.

YOU CAN TAKE MANY OTHER STEPS TO KEEP YOUR INFORMATION CONFIDENTIAL

- Use a private post office box rather than your home address whenever you can. Sign up for a post office box *before* you move to a new address (the post office box provider's records will only have your old address).
- For extra protection, get a post office box in another city. Make sure that you will be able to pick up or get your mail every few days.
- Get an unpublished and unlisted phone number.
- If your state has Caller ID, order Complete Blocking.
- Get a national or local voicemail number instead of a home phone number.
- Have your name taken out of any "reverse directories."
- Do not use your middle initial.

- Put your utilities in someone else's name. Rent an apartment with utilities included or put the utilities in a roommate's name. Talk to your utility companies about ways to protect yourself.
- Be very careful with your Social Security number. Do not give it out unless required by law. Do not use it as an identifier for health insurance or other purposes. If your health insurance provider wants to use your Social Security number, ask to use a different number.
- Ask Credit Bureaus to "flag" your records to prevent fraudulent access.
- Use an email address that does not include information that your abuser might know or recognize.
- Do not put your name on the front of your home or on the list of tenants on the front of your apartment building.

If you have questions about taking these steps or need help with safety planning, you may want to talk to an advocate at your local shelter or victim services program.

RESOURCE LIST

For more information or assistance, contact:

1. 24-Hour Hotlines and Resources for Domestic Violence, Sexual Assault, and Stalking Assistance:
 - Portland Women's Crisis Line (statewide): 888.235.5333
 - Womenspace Advocacy Center: 800.280.2800
 - National Sexual Assault Hotline: 800.656.HOPE (4673)
 - National Domestic Violence Hotline: 800.799.7233 (English and Spanish); TDD 800.787.3224
 - To find a hotline or help in your county, go to www.dhs.state.or.us/abuse/domestic/gethelp.htm
 - To find the victim assistance program in your county's district attorney's office, go to www.oregoncrimevictimsrights.org.
 - For internet and computer safety tips go to www.nnedv.org
2. Legal Information
 - Legal Aid Services of Oregon and Oregon Law Center: www.oregonlawhelp.org, provides a list of Oregon's legal services programs in the state and free information for low-income Oregonians.
 - Oregon Judicial Department Family Law website: <http://courts.oregon.gov/familylaw>
 - Oregon State Bar: www.osbar.org
 - Lawyer Referral & Modest Means (low income) 800.452.7636
 - Tel-Law (recorded legal information): 800.452.4776

CONFIDENTIALITY (PRIVACY) PROTECTIONS FOR SURVIVORS OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, AND STALKING

If you have been a victim of sexual assault, domestic violence, or stalking, you may want to take steps to keep information about you away from your abuser.

This pamphlet has information about some of the ways you can keep your information private.



Oregon Law Center and the
Domestic Violence Subcommittee,
State Family Law Advisory Committee

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(General educational use **only**. Not a substitute for individual legal advice. Consult an attorney for more information or for advice. The information in this pamphlet is accurate as of June 2007. Please remember the law is always changing through actions of the courts, legislature, and agencies.)

WHAT IS *PERSONAL IDENTIFYING* INFORMATION?

- Personal identifying information is personal facts about you, such as your Social Security number, driver's license number, credit card numbers, bank or other financial account numbers or locations, maiden name, birth date, and place of birth that are not contact information, which is explained below.

WHAT IS *CONTACT* INFORMATION?

- Contact information is information that can be used to find or contact you, such as your name, address, telephone number, and your employer's name and address.

WHERE IS THIS INFORMATION AVAILABLE TO THE PUBLIC?

- Personal identifying and contact information may be in public records, such as court files, mortgage and deed records, and records of school districts, state agencies, offices, and governing bodies.
- Personal identifying and contact information can also be found in other records, such as school records, that may not be available to the public but may be available to the other parent of your children.
- Information about you may also be found on the Internet, on your computer, or in other places.

WHY MIGHT I WANT CONFIDENTIALITY (PRIVACY) PROTECTION?

- In the hands of an abuser or stalker, personal identifying or contact information may be used to find, hurt, or bother you or a family member.
- An abuser may use your information to commit financial fraud.
- If you have been a victim of domestic violence, sexual assault, or stalking, you may want to take steps to keep your personal identifying and contact information confidential (private).

HOW CAN I KEEP MY INFORMATION OUT OF PUBLIC RECORDS?

There are several ways to ask that your personal identifying and contact information be kept private and out of public records.

Address Confidentiality Program

Starting on January 1, 2007, the Oregon Address Confidentiality Program (ACP) became available for victims of domestic violence, sexual assault, and stalking whose safety is at risk and who have moved to a place in the state that is unknown to their abusers. This program provides a "substitute address" that can be used in place of a residential (home) or contact address and provides a mail forwarding service. In addition, ACP participants will be able to keep their home addresses out of public records when registering to vote, applying for marriage or drivers licenses, public assistance, and more. For information about whether this program is right for you or for a referral to an Application Assistant, call 503.373.1323 or 888.559.9090 (toll free), or go to the website:

<http://www.doj.state.or.us/victims/pages/confidentiality.aspx>.

Public Bodies

You can ask any public body to keep your home address and telephone number private if release of that information would endanger you or a family member you live with. (ORS 192.445) A *public body* is a school district, a state agency (such as the Department of Human Services or DMV), a county, city, or state governing body, or any other public agency (like a public utility district). You must send a request for confidentiality directly to each public body from which you want protection.

To ask for confidentiality from a public body, you should call or write the public body or agency to find out about its forms and procedures for keeping information confidential. If your request for confidentiality is granted by a public body, your information will be kept confidential for five years. After that time, you must make a new request.

Be prepared to provide evidence in support of your request. Evidence may be police reports, court records, medical reports, your own statements, or a court order that shows a release of information may put you in danger.

For example, you may ask that DMV not disclose your home address on DMV records by completing a Request for Confidential Address Protection form and including proof that your safety or that of a family member living with you is in danger.

Department of Human Services (DHS)

If you are asking for or getting benefits from DHS, such as TANF, TA-DVS, or food stamps and are worried about your safety, you should speak with your worker. There are several ways that DHS may be able to help you protect your personal identifying and contact information.

Court Cases

Most court proceedings require that you give personal identifying and contact information in court papers. This information may be kept private in some circumstances. Keeping this information protected in court cases can be complicated. It may be best to ask an attorney to help you.

• All Court Cases

Because courts are public bodies, you can ask that your home address and telephone number be kept confidential if that information would put you or a family member at risk. To ask about confidentiality, you should speak with a court clerk.

• Criminal Court Cases

- If you ask, your address and phone number can be kept from the defendant in a criminal proceeding.
- You can get more information about your rights in criminal cases by talking to a victims' assistant in your local district attorney's office and at <http://www.doj.state.or.us/victims/assistance.shtml>

• Family Law and Child Support Court Cases

You may use a contact address and telephone number in place of a home address or telephone number in your court papers. You do not need special permission to do this.

Limited Protection for Social Security Numbers and Personal Identifying Information

- In divorce cases, Social Security numbers must be put in a "Segregated Information Sheet" that will be kept apart from your other court papers and out of court papers that are open to the public. To do this, you will need to fill out a special affidavit, as well as a "Segregated Information Sheet." **Note:** While this law does not apply in unmarried parent cases, some courts chose to apply it anyway. Check with your local court.
- You can also use this procedure to keep other personal identifying information out of the public file, but you cannot use it to protect contact information.
- Information in the "Segregated Information Sheet" **can be released** by the court to anyone with a right to the information. This may include the other party to your case if he or she asks for it and the judge agrees to release it.

Special Protection for Personal Identifying and Contact Information

- If you have children and are afraid of the other parent (or of someone else), you may ask to keep personal identifying information and/or contact information out of court records that are open to the public.
- If this protection is granted, the information **cannot be released except after a hearing**, at which the court must consider the safety risks to you and/or your children.
- To ask for this special protection, you should talk to an attorney. In some counties, a family law facilitator may be able to give you forms and some help.

• Other Civil Court Cases

- You may use the special affidavit for Social Security numbers to protect *personal identifying* information in other civil court cases (such as landlord-tenant and small claims cases).
- It is possible for the court to give you more complete protection in extreme circumstances. See an attorney for more help.

Administrative Child Support Proceedings

"Good Cause" for Noncooperation with State Child Support Program:

- If you are on public assistance or OHP and there is no safe way for the State to collect child support from the person who abused you, you may have "good cause" to ask that the State not take any steps to collect support. Situations involving rape, incest, sexual assault, or domestic violence can support "good cause" not to collect support from the abuser. If you have a "good cause" situation, tell your child support worker and ask for a "Client Safety Packet." (*continued on next page*)