

Confidentiality and Privacy for Survivors of Sexual Assault, Stalking and Domestic Violence



IMPORTANT NUMBERS

National Domestic Violence Hotline: 1-800-799-7233

National Sexual Assault Hotline: 1-800-799-7233

Oregon Address Confidentiality Program: 888-559-9090

Oregon Crime Victim's Services: 800-503-7983

Lawyer Referral Service: 800-452-7636

For a Legal Aid Office near you: www.oregonlawhelp.org

Prepared by Legal Aid Services of Oregon and the Oregon Law Center - March 2011.

This pamphlet is for general educational use only and is up-to-date as of March 2011. It is not a substitute for the advice of an attorney. Please consult an attorney for more information or for advice about whether and how the law applies to your situation.

**Abusers use what they know about you to stalk, harass or abuse you.
Oregon laws can help protect your privacy.**

Safety Planning

Your local domestic violence program may be able to help you create a safety plan. A safety plan means thinking of ways to make yourself safer from your abuser. Part of your safety plan may be to keep your location or other information about you secret, so your abuser cannot locate you, stalk you or commit identity theft against you.

For a list of local domestic violence programs, go to:

<http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/domesticviolence.page?>

Address Confidentiality Program

Oregon's Department of Justice offers a free substitute address and mail forwarding service for victims of domestic violence, sexual assault and stalking called the Address Confidentiality Program (ACP). You can use your ACP address for any public record that requires an address. For more information about the ACP, go to:

www.doj.state.or.us/crimev/confidentiality.shtml

SAFETY TIP

You can keep your address and phone number confidential in public records like DHS, DMV and voter registration records even without an ACP address. Call or write the state agency you are concerned about for more information.

Confidentiality and Court Proceedings

Court proceedings are generally open to the public, and most records filed with the court are available for the public to view. You must put your address and phone number on most court paperwork, including court paperwork for getting restraining orders. This information is given to the other party and available to the public. If this would put you in danger, you may use a contact phone number and address. You must check your contact address/phone number often so you do not miss important court notices.

SAFETY TIP

If you participate in the ACP, you may use that address for court documents. Because the ACP forwards your mail, you may have less time to respond to court actions or you may have less time to prepare for a hearing.

If you are a crime victim in a criminal case, you can ask that your phone number and address be kept from the defendant. To get more information, talk to the district attorney or a crime victim assistant. If you have questions about your rights, go to:

www.oregoncrimevictimsrights.org

Confidentiality in Family Law Cases

In divorce, custody, child support and Family Abuse Prevention Act restraining order cases, confidential personal information- driver's license and social security numbers, birthdates, employer information and former legal names- are put in a "confidential information form" or "CIF." This form is not used for stalking or elder/disabled abuse prevention restraining orders.

The information in the CIF is not available to the public. The CIF is not given to the other party. The other party may file papers with the court and ask to see your CIF. If they do, you may ask for a hearing and the judge will decide whether the CIF will be given to the other party.

It may seem like changing your name and/or social security number and relocating would be the easiest way to escape abuse. Unfortunately, this often causes more problems than it solves. Before trying to change your identity, talk to an attorney about whether this choice is right for you. If you cannot afford an attorney, call Legal Aid or the Oregon Law Center for advice.

Confidentiality and Child Support

1. Division of Child Support

When you ask for benefits from DHS like TANF or OHP, you agree to help the state get child support from the other parent. The Division of Child Support (DCS) is the state agency that gets and enforces child support orders.

DCS may give personal information about you, such as your current address and phone number to the other party. If this would put you in danger, ask your DHS worker for a “Client Safety Packet” and fill out the “Claim of Risk” form. This will allow you to use a contact address and to keep your personal information private.

SAFETY TIP

If you do not want DCS to get or enforce child support at all for safety reasons, ask your DHS worker for a “Client Safety Packet” and fill out the “Good Cause” form.

2. District Attorneys

Your local district attorney can help you find a missing father, establish paternity, get a child support order, and /or collect child support if you do not receive public assistance. If you would like child support, but need to keep your address or other personal information confidential, ask your district attorney for a “client safety packet” and complete the “Claim of Risk” form.

Confidentiality and Technology

Abusers use technology to stalk their victims. This can be as complex as using specialized cameras or taping technologies or as simple as misusing cell phones or GPS devices. Increasingly, abusers are also using spyware to monitor computer use.

SAFETY TIP

If you suspect that you are being monitored through technology, take steps such as using a safe computer (such as a public computer at the library) for sensitive research or communications. Talk to a Victim Advocate about planning to be safer with your technology. The National Network to End Domestic Violence has more information about technology safety at www.nnedv.org/resources/safetynetdocs.html.

Stalking and Identity Theft

If an abuser gains access to your personal information, she may harass you by stealing your identity. If you are at risk for identity theft, you should check your credit report. You can get a free credit report every year - call 1-877-322-8228 or go to www.annualcreditreport.com.

SAFETY TIP

If you are the victim of identity theft, the Federal Trade Commission has a step by step guide to responding called "Taking Charge: Fighting Back Against Identity Theft." This guide is available at:

www.ftc.gov/bcp/edu/pubs/consumer/idtheft/idt04.shtm

