

MEMORANDUM OF SUPPORT

CONFIDENTIALITY FOR DOMESTIC VIOLENCE ADVOCATES AND VICTIMS

S.1789 Sanders/A.2520 Weinstein

The New York State Coalition Against Domestic Violence (NYSCADV) urges the New York State Legislature to protect as confidential conversations between domestic violence advocates and victims. Similar protections currently are provided to rape crisis counselors and victims of sexual assault. This legislation extends these protections to domestic violence advocates to ensure that domestic violence victims can access domestic violence services with their privacy intact and without the fear that they can be tracked by their abusers.

The privacy of domestic violence victims is critical to their safety. In this age of continuous technological advances and increased data collection, it has become more difficult for survivors to limit the sharing of their personal information and easier for abusers to track them. Consequently, protecting domestic violence victims' privacy wherever and whenever possible is absolutely necessary for their safety.

The federal Violence Against Women Act (VAWA) already ensures the confidentiality of domestic violence advocates' conversations with survivors. This bill will align New York's statutes with existing federal law.

This legislation also is needed to simplify procedures for New York agencies that provide services to both domestic violence and sexual assault survivors. These programs typically have rape crisis counselors and domestic violence advocates on staff. Currently, according to state statute, a victim's discussions with a rape crisis counselor in the agency is confidential, while a conversation between the same victim and a domestic violence advocate is not. Extending privilege to all staff working on behalf of a victim will simplify training and make it easier for victims to understand who they can speak with if they prefer the information remains private.

Specifically, this bill would amend the civil practice law and rules to:

- Ensure domestic violence advocates working under the supervision of a certified domestic violence program and who have completed requisite training are not required to disclose communications made by victims unless the communication reveals the intent to commit a crime or suspected child abuse; and
- Provides victims the opportunity to waive privilege by providing an informed, written and reasonably time-limited consent.

ABOUT NYSCADV:

Established in 1978, NYSCADV is designated by the U.S. Department of Health and Human Services as the information clearinghouse, primary point of contact, and resource center on domestic violence for the State of New York. NYSCADV is responsible for supporting the development of policies, protocol, and procedures to enhance domestic violence intervention and prevention and also provides education and technical assistance to the network of primary-purpose domestic violence service providers statewide.

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