

Apache Tribe of Oklahoma
Violence-Free Living Programs
 Informational Sheet

It is the policy of the Violence Against Women Program that all client records and conversations are totally confidential. All records are kept locked with access limited to employees of the VAIW Program only. These records and any information concerning you will not be released without your written permission. We are required by state law to report cases of suspected child abuse.

Name _____ Maiden Name _____ D.O.B. _____

Address _____ Phone (____) _____

How many people live in your house now? _____ Are you related _____

Household income _____

Social Security Number _____ Sex _____ Race _____ Age _____

Referred by: _____

Briefly describe the situation that brought you here today _____

Current Benefits: () SSI () TANF () SSDI () Food Stamps () Commodities () Social Security.

Do you have medical insurance? Yes/No Medicaid # _____ Medicare # _____

Your Marital Status: Never married, Married, Divorced, Widowed, Living Together, Separated.

Abuser's Name: _____ Social Security Number _____

Abuser's Address _____ D.O.B. _____

Is the abuser under the age of eighteen? Yes/No How long have you been with the abuser? _____

Name				
First	Last	D.O.B.	Age	Grade

Highest grade completed: _____ Are you currently in school now? Yes/No
Where _____

Have you been employed in the past or present? Yes/No Where? _____

Would you like to be employed? Yes/No If yes as what?

Medical History: (check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Heart Condition | <input type="checkbox"/> Seizure Disorders | <input type="checkbox"/> Respiratory Disorder |
| <input type="checkbox"/> Diabetic | <input type="checkbox"/> Allergic Reactions | <input type="checkbox"/> Blackouts |
| <input type="checkbox"/> Handicapped | <input type="checkbox"/> Currently Pregnant | <input type="checkbox"/> Fainting Spells |

What prescriptions are you taking now: _____

Have you in the past or are you now receiving counseling? Yes/No Outpatient

Inpatient.

If yes, when? _____ Where? _____

Person to contact in case of emergency: Name _____

Address _____ Phone: _____

Client Signature

Date

Advocate Signature

Date

THIS DOCUMENT WAS PREPARED IN ANTICIPATION OF LITIGATION. ALL RIGHTS AND PRIVELDGES ASSOCIATED WITH THE ATTORNEY-CLIENT RELATIONSHIP HAS NOT BEEN WAIVED IMPLICITLY OR EXPLICITLY THROUGH THE CREATION OF THIS DOCUMENT. ALL ADVOCATES, ASSISTANTS, VOLUNTEERS, AND STUDENTS ARE ACTING IN THE CAPACITY OF AGENTS OF THE STAFF ATTORNEY AND ARE PROTECTED UNDER THE ATTORNEY CLIENT RELATIONSHIP.

**SELECTED STATES DOMESTIC VIOLENCE VICTIM ADVOCATE
CONFIDENTIALITY STATUTES**

STATES	YES/NO	STAT NUMBER	RELEVANT LANGUAGE	WORTH NOTING
Alabama	Yes	Ala. Code §§ 15-23-40 et seq	“A victim, a victim counselor without the consent of the victim, or a minor or incapacitated victim without the consent of a custodial guardian or a guardian ad litem appointed upon application of either party, cannot be compelled to give testimony or to produce records concerning confidential communications for any purpose in any criminal proceeding.”	<p>*The victim may inadvertently waive the privilege when testifying about the crime, if testifies about the content of the communications.</p> <p>*The statute enumerates when the victim counselor may release the records.</p> <p>*Only the victim can waive the privilege. See <u>Jordan v. State</u>, 607 So.2d 333 (Ala.Crim.App.1992).</p> <p>*The statutory definition of a victim counselor is very inclusive.”</p>
Alaska	Yes	Alaska Stat § 18.66.200	“victim or victim counselor may not be compelled, without appropriate consent, to give testimony or to produce records concerning confidential communications for any purpose in a criminal, civil, legislative, or administrative proceeding.”	<p>*Alaska Stat § 18.66.210 provides enumerated exceptions to the privilege.</p> <p>*Alaska Stat § 18.66.250 provides statutory definitions. Specifically, “a "victim counselor" means an employee or supervised volunteer of a victim counseling center that provides counseling to victims (A) who has undergone a minimum of 40 hours of training in domestic violence or sexual assault, crisis intervention, victim support, treatment and related areas; or (B) whose duties include victim</p>

				counseling.”
Arizona	Yes	Ariz. Rev. Stat. § 12-2239	“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.”	<p>*Victim advocate must have thirty (30) hours of training.</p> <p>*Does not extend to situations where the advocate knows or should know the victim is committing perjury.</p> <p>*A party to an action may make a motion for disclosure of privileged information under this section and, if the court finds reasonable cause, the court shall hold a hearing in camera as to whether the privilege should apply.</p>
California	Yes	Cal. Evid. Code §§ 1037.1 et seq.	California Evidence Code provides that a victim of domestic violence, whether a party to the action or not, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the victim and a domestic violence counselor if the privilege is claimed by the holder of the privilege, by a person who is authorized to claim the privilege by the holder of the privilege, or by the person who was the domestic violence counselor at the time of the confidential communication .	<p>* the court may compel disclosure of information received by a domestic violence counselor which constitutes relevant evidence of the facts and circumstances involving a crime allegedly perpetrated against the victim or another household member and which is the subject of a criminal proceeding, if the court determines that the probative value of the information outweighs the effect of disclosure of the information on the victim, the counseling relationship, and the counseling services.</p> <p>*DV counselor has to inform the victim of any limitations on the confidentiality of communications.</p> <p>*"domestic violence counselor" means any person who meets specified requirements as to employment, education and training. <u>See Cal. Evid.</u></p>

				<u>Code § 1037.1.</u>
Connecticut	Yes	Conn. Gen. Stat. § 52-146K	<p>“a battered women's counselor or a sexual assault counselor shall not disclose any confidential communications made to such counselor at any time by a victim in any civil or criminal case or proceeding or in any legislative or administrative proceeding unless the victim making the confidential communications waives the privilege, provided under no circumstances shall the location of the battered women's center or rape crisis center or the identity of the battered women's counselor or sexual assault counselor be disclosed in any civil or criminal proceeding.”</p>	<p>*applicable to communications made after Oct, 1, 1983. *Battered women's counselor" means any person engaged in a battered women's center (A) who has undergone a minimum of twenty hours of training . . . (B) who is certified as a counselor by the battered women's center which provided such training, (C) who is under the control of a direct service supervisor of a battered women's center, and (D) Whose primary purpose is the rendering of advice, counsel and assistance to, and the advocacy of the cause of, battered women.</p>
Florida	Yes	Fla Stat. 7 § 90.5036	<p>“A communication between a domestic violence advocate and a victim is "confidential" if it relates to the incident of domestic violence for which the victim is seeking assistance and if it is not intended to be disclosed to third persons other than those persons present to further the interest of the victim in the consultation, assessment, or interview and those persons to whom disclosure is reasonably necessary to accomplish the purpose for which the domestic violence advocate is consulted.”</p> <p>“A victim has a privilege to refuse to</p>	<p>* The privilege applies if the advocate is registered under § 39.905 *Advocate must have at least 30 hours of training.</p>

			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 advising, counseling, or assisting the victim.”	
Michigan	Yes	Mich. Com. Law Ann. § 600.2157a	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.	The domestic violence counselor-victim privilege does not prohibit a crisis center counselor from disclosing to law enforcement authorities the whereabouts of an alleged domestic violence victim. Op.Atty.Gen.1997, No. 6953.
Nebraska	Yes	Nev. Rev. Stat. §§ 29-4302 et seq.	A victim, an advocate without the consent of the victim, . . . 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. . . :	Allows party seeking documents to file a motion that sets forth specifically the issues on which disclosure is sought and enumerates the reasons why the party is seeking disclosure and why disclosure is necessary, accompanied by an affidavit or affidavits containing specific information which establishes that the confidential communication constitutes relevant and material evidence in the case; and The court or a hearing officer shall review the confidential communication in camera and out of the presence and hearing of all persons, except the victim, the advocate, and any other person the

				victim is willing to have present, to determine whether a failure to disclose the confidential communication would violate the constitutional rights of the party seeking disclosure.
Nevada	Yes	N.R.S. 49.2547	“a victim who seeks advice, counseling or assistance from a victim's advocate has a privilege to refuse to disclose, and to prevent any other person from disclosing, confidential communications.”	Victim's advocate" means a person who works for a nonprofit program that provides assistance to victims with or without compensation and who has received at least 20 hours of relevant training.
New Hampshire	Yes	N.H. Rev. Stat. § 173-C	“A victim has the 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 a domestic violence counselor, including any record made in the course of support, counseling, or assistance of the victim. Any confidential communication or record may be disclosed only with the prior written consent of the victim. This privilege terminates upon the death of the victim.”	The privilege and confidentiality extend to: (a) A third person present to assist communication with the victim. (b) A third person present to assist a victim who is physically challenged. (c) Co-participants in support group counseling of the victim. "Domestic violence counselor" means any person who is employed or appointed or who volunteers in a domestic violence center who renders support, counseling, or assistance to victims of domestic abuse or attempted domestic abuse, who has satisfactorily completed 30 hours of training in a bona fide program
New Jersey	Yes	N.J.S.A. §	victim counselor has a privilege not to be	It is the public policy of New Jersey to

		2A:84A-22.15	<p>examined as a witness in any civil or criminal proceeding with regard to any confidential communication. The privilege shall be claimed by the counselor unless otherwise instructed by prior written consent of the victim.</p>	<p>extend a testimonial privilege encompassing the contents of communications with a victim counselor and to render immune from discovery or legal process the records of these communications maintained by the counselor.</p> <p>Victim counselor means a person engaged in any office, institution or center defined as a victim counseling center who has undergone 40 hours of training and is under the control of a direct services supervisor of the center and who has a primary function of rendering advice, counseling or assisting victims of acts of violence</p>
Oklahoma	Yes	Okla. Stat. 43A § 3-313.	<p>“the case records, case files, case notes, client records, or similar records of a domestic violence or sexual assault program certified by the Department of Mental Health and Substance Abuse Services or of any employee or trained volunteer of a program regarding an individual who is residing or has resided in the program or who has otherwise utilized or is utilizing the services of a domestic violence or sexual assault program or counselor shall be confidential and shall not be disclosed. For purposes of this paragraph, the term "client records" shall include, but not be limited to, all communications, records, and information</p>	<p>* The program has to be certified by the Department of Mental Health.</p>

			regarding clients of domestic violence and sexual assault programs.”	
Pennsylvania	Yes	23 Pa.C.S.A. § 6116	Unless a victim waives the privilege in a signed writing prior to testimony or disclosure, a domestic violence counselor/advocate or a coparticipant who is present during domestic violence counseling/advocacy shall not be competent nor permitted to testify or to otherwise disclose confidential communications made to or by the counselor/advocate by or to a victim. The privilege shall terminate upon the death of the victim.	Privilege created under confidentiality provision of Protection from Abuse Act is absolute and extends to records as well as oral testimony. <u>V.B.T. v. Family Services of Western Pennsylvania</u> , 705 A.2d 1325, Super.1998, appeal granted 727 A.2d 132, 556 Pa. 679, affirmed 728 A.2d 953, 556 Pa. 430
Wisconsin	Yes	W.S.A. § 905.045	A 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.	"Advocate" means 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.

*** Other privileges may be available under the lawyer/client, therapist/client, and social worker categories.

RESOLUTION

Res. No. : _____

WHEREAS, the _____ Tribe having a duly elected Tribal Government recognized by the Secretary of the Interior, and

WHEREAS, the _____ Tribe Business Committee (or other governing body) being elected by the tribal membership and delegated the responsibility to act for the ____Tribe in business matters by the _____Tribe’s Tribal Constitution, and

WHEREAS, the ____ Tribe recognizes the need to protect the confidentiality of victims and their families who utilize the tribal domestic violence program.

WHEREAS, in order to ensure the confidentiality of victims who utilize the services of the tribal domestic violence program, the ____Tribe will protect all staff records and files in any form and shall not permit release any information unless the victim ha knowingly and voluntarily given written consent to release such documentation.

NOW THEREFORE BE IT RESOLVED, that the _____ Tribe Business Committee (or other governing body) shall protect all the domestic violence program records as privileged and shall not allow those records to be released without written consent of the client that has been knowingly and voluntarily given.

CERTIFICATION

The above resolution was adopted at monthly meeting of the _____ Business Committee (or other governing body) on _____ at (town) , (state) by a vote of _____ for and _____ against and _____ abstentions a quorum being present.

Chairman
____Tribe

ATTEST:

Secretary
____ Tribe