



Practice Points

Domestic Violence, Confidentiality, and Safe at Home

The purpose of this Practice Point is to clarify issues of confidentiality when an individual receives services from domestic violence shelters. This practice point also informs staff of the *Safe at Home* Program.

Confidentiality

When an individual seeks services from domestic violence shelters, staff must be sensitive to the individual's confidentiality rights. Trying to balance the complexity of domestic violence with the need to protect children from abuse and neglect often creates challenges for both domestic violence agencies and the Children's Division. Therefore, it is important to understand each profession's statutory limitations in regards to confidentiality.

[Section 210.140, RSMo.](#), states any legally recognized privileged communication, except that between attorney and client or involving communications made to a minister or clergyperson, shall not apply to situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required or permitted by sections 210.110 to 210.165, to cooperate with the division in any of its activities pursuant to sections 210.110 to 210.165, or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.

This statute is the basis Children's Division often utilizes to seek information regarding individuals named in child abuse/neglect investigations and assessments.

However, [Section 455.220, RSMo.](#), requires persons employed by or volunteering services to domestic violence shelters to maintain the confidentiality of any information that would identify individuals served by the shelter and any information or records that are directly related to the advocacy services provided to such individuals. The statute further restricts persons employed by or volunteering services to domestic violence shelters from testifying in court unless this confidentiality requirement is waived in writing by the individual served by the shelter.

While these two statutes may appear to conflict with one another, there is case law that provides guidance on maintaining an individual's confidentiality when they receive services from domestic violence shelters. In *State ex rel. Hope House, Inc v. Merrigan*, the court ruled the individual's participation in services, including records, are not considered to be privileged communication subject to an exception provided for in Section 210.140, RSMo. That information is subject to a greater degree of protection. Information from domestic violence shelters cannot be released without the written consent of the client.

In summary, domestic violence shelters are required by law to maintain their client's confidentiality and cannot release any information without the written consent of the client. Children's Division staff should not utilize the Medical/Professional Information Request (CS-30) to obtain information in these situations. Staff can utilize the Authorization for Release of Non-Medical Records (CD-98) in an attempt to obtain information about a client's participation in services; however, because of the strict confidentiality requirements, shelters should utilize their own releases of information prior to sharing information. Without written consent of the client to share information, mandated reporters employed by domestic violence shelters are limited in only being able to report information pertinent to child abuse and neglect allegations when making reports to the child abuse and neglect hotline.

To locate domestic violence shelters and other services, please visit the Missouri Coalition Against Domestic and Sexual Violence (MCADSV) website at <https://www.mocadsv.org/How-to-Get-Help/>

Safe At Home

The *Safe At Home* program is an address confidentiality service provided by the Missouri Secretary of State. This program provides a PO Box for participants to utilize for their mailing address after they have relocated to an address unknown to their abuser. The Secretary of State's office will then forward mail to the participant's actual physical address. To be eligible for this program the individual has to have good reason to believe she or he is a victim of domestic abuse, rape, sexual assault, human trafficking or stalking and fears further violent acts from her or his assailant. State and local agencies and the courts are required to accept the designated *Safe at Home* address in place of a participant's home, work, school, or mailing address on a public record. Agencies can verify enrollment by asking to see a participant's authorization card or by calling *Safe at Home*. Agencies may also submit a written request for residency for verification when necessary. When a case member is a participant of the program, staff must make sure to utilize the *Safe at Home* PO Box on all correspondence, documentation, and in FACES and should never release the participant's actual address. More information, including a list of application assistant agencies, can be found at www.MoSafeAtHome.com.

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