



Dear Chair Scott and Members

Violence Free Minnesota, the coalition to end relationship abuse, writes in support of HF 1083, a bill to ensure domestic violence advocates have the same level of confidentiality as sexual violence advocates.

This bill is necessary to ensure that our community-based domestic violence advocates are able to create relationships with their clients based on trust. Domestic violence advocates are a crucial connection point between survivors and a wide array of social services. Ensuring that a survivor can tell their advocate any potentially relevant information relating to their safety and health needs without the possibility that the information will be disclosed outside of the advocate-client relationship is crucial to ensuring survivors are connected with quality care.

Under current law, advocates need to carefully parse with their clients what confidentiality means and what information is protected. This can be a confusing and frustrating process - during an already incredibly stressful time - which chills the ability of the survivor to speak freely, especially considering that many advocates are both sexual violence advocates *and* domestic violence advocates.

Some information which can be useful to an advocate could potentially be dangerous if disclosed to the abuser or someone connected to the abuser, such as: the survivor's new address, the survivor's new place of employment, the address of any of the survivor's children or family members, and the time and place of any appointments the survivor needs to keep. Unambiguously protecting this information aids in the establishment of trust with clients.

This bill simplifies confidentiality so that everyone, whether a survivor of sexual violence, domestic violence, or both, can have a community-based advocate who is able to be by their side, with the full confidence that anything they say will never be disclosed without the client's approval. Please support HF 1083.

Thank you,
Guadalupe Lopez
Executive Director
Violence Free Minnesota



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Differences Between Community-Based and System-Based Advocates

Community-Based Advocates	System-Based Advocates
Generally employed by independent, non-governmental, often non-profit agencies.	Employed by a criminal or juvenile justice agency, typically a prosecutor's office, but sometimes by a law enforcement, probation, or corrections department, or by a paroling authority or state Attorney General's office.
Provide free, voluntary services to victims as well as secondary victims (such as children), whether or not a crime has occurred or has been reported.	Provide statutorily mandated free, yet voluntary, services to primary and secondary victims of crime, when a crime is committed and reported to law enforcement.
Provide comprehensive services such as 24-hour crisis services, emergency shelter, assistance with finding employment, support groups, education, safety planning, civil, criminal, and legal assistance, etc.	Provide comprehensive services that include guidance through the court process, notification of victim rights, and connection to community resources to ensure essential and safety needs are addressed.
Do not have a time limit on provision of services. Can provide services over the duration of a lifetime.	Service provision can begin from the time a crime is committed and can continue for as long as a victim identifies need.
Have statutorily protected confidentiality privileges. The law protects both communications between the advocate and the victim, as well as victim records. The advocate cannot share victim information without a written release. MINN. STAT. 595.02	Are considered an arm of the prosecutor's office and held to the same ethical standard of disclosure. System-based advocates are obligated to turn over information that is considered exculpatory evidence; meaning any information that goes towards the defendant's innocence.
Goal is to empower the victim, assist the victim in achieving safety and promoting healing, improve the systems with which the victim interacts, educate the public, and advocate for the needs of all victims/survivors.	Goal is to provide access to and information regarding the criminal justice system for the purpose of empowering the victim, improve systems response to all crime victims, educate the public and criminal justice professionals, and deliver the rights of the victim.

Source: Lonsway, Dr. Kimberly A. "The Role of Victim Advocates." National Center for Women and Policing, Violence Against Women Office and Office of Justice Programs.

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VIOLENCE FREE
MINNESOTA
THE COALITION TO END RELATIONSHIP ABUSE

COMMUNITY-BASED ADVOCATES PROVIDE LIFESAVING SUPPORT & SERVICES TO VICTIM/SURVIVORS OF INTIMATE PARTNER VIOLENCE, SEXUAL ASSAULT, & STALKING.

Their services are free, do not require a survivor to call 911 or involve systems, and available for as long as the survivor needs support - 24/7, 365 days a year - even after systems professionals cease to be involved.

To find your local community advocacy agency, visit www.vfmn.org/get-help or call the DayOne Hotline at (866) 223-1111

