

Practice Guidelines: Confidentiality,
Information Sharing & Supportive Advocacy
Part 1

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Building Comprehensive Solutions to Domestic Violence:
A project of NRCDV in collaboration with Greater Hartford Legal Aid

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**Woman-Defined Advocacy
Components**

- 1. Understand the victim's perspective, including her risk analysis and current safety plan.**
 - Consider partner who batters-generated risks; life-generated risks; risks to and safety plans for children; culture; resources; what she's tried and is trying
- 2. Build a working relationship with the victim to respectfully review her analysis and strengthen her plan.**
 - Combine victim's perspective and advocate's information, resources, and assistance to review risk and enhance safety strategies
 - Work together to implement the strategies, modifying them as the victim's life and circumstances change

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**Basic Rule
about Confidential Victim Information**

An advocate should not share victim information outside the domestic violence program, unless the victim gives the program permission to do so.

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**Basic Rule:
Practice Challenges**

- Laws
- Keeping Information Confidential
- Getting Permission
- Collaborative Process
- Documentation

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Laws

- **Prohibit disclosure – “Confidentiality Laws”**
 - E.g. VAWA [42USC13925(b)(2)], HIPPA, HIV-related
- **Require disclosure**
 - E.g. subpoenas, mandated reporting, duty to warn, court order
- **Protect information that would otherwise have to be disclosed – “Privileged Communications”**
 - E.g. Communication between advocate and victim

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Getting Permission to Disclose

Provide enough information for victims to understand:

- What information to be disclosed
- Why
- Who will get that information
- How the disclosed information is likely to be used
- Possible risks and benefits of disclosing (without giving legal advice if advocate is not an attorney -- victim may need a lawyer)

Explanation and form should be in her primary language.

Permission should be:

- In writing
- Time limited
- Content limited – Remember: description will disclose information
- Revocable – victim can end the permission

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Collaborative Process

- Sharing information is essential to effective:
 - Woman-defined advocacy within a system
 - Collaboration
- Common understanding of what information will/will not be disclosed is also essential.
- Information sharing policy for advocacy and for the collaboration can be a helpful tool.

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Documentation -- Information that is disclosed should be accurate.

Accurate information is:

- **Current, contemporaneous**
- **Facts, observations, descriptions**
- **Not judgments, conclusions, opinions** – particularly if beyond advocate training/expertise or role
- **Complete to extent possible** – Victim's strengths and children's resilience are included with any issues or problems
- **Culturally aware** – provided in cultural context

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