



# Advocate Confidentiality Statutes

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## TABLE OF CONTENTS

NOTE: For your convenience, hyperlinks are located on each page number in this Table of Contents.  
For faster access, please select the page number you would like to view.

<b>ALABAMA</b> .....	<b>3</b>	<b>MONTANA</b> .....	<b>24</b>
<b>ALASKA</b> .....	<b>3</b>	<b>NEBRASKA</b> .....	<b>25</b>
<b>ARIZONA</b> .....	<b>5</b>	<b>NEVADA</b> .....	<b>26</b>
<b>ARKANSAS</b> .....	<b>6</b>	<b>NEW HAMPSHIRE</b> .....	<b>26</b>
<b>CALIFORNIA</b> .....	<b>6</b>	<b>NEW JERSEY</b> .....	<b>28</b>
<b>COLORADO</b> .....	<b>11</b>	<b>NEW MEXICO</b> .....	<b>29</b>
<b>CONNECTICUT</b> .....	<b>12</b>	<b>NEW YORK</b> .....	<b>31</b>
<b>DELAWARE</b> .....	<b>13</b>	<b>NORTH CAROLINA</b> .....	<b>31</b>
<b>DISTRICT OF COLUMBIA</b> .....	<b>13</b>	<b>NORTH DAKOTA</b> .....	<b>32</b>
<b>FLORIDA</b> .....	<b>14</b>	<b>OHIO</b> .....	<b>33</b>
<b>GEORGIA</b> .....	<b>15</b>	<b>OKLAHOMA</b> .....	<b>33</b>
<b>HAWAII</b> .....	<b>15</b>	<b>OREGON</b> .....	<b>33</b>
<b>IDAHO</b> .....	<b>16</b>	<b>PENNSYLVANIA</b> .....	<b>34</b>
<b>ILLINOIS</b> .....	<b>16</b>	<b>RHODE ISLAND</b> .....	<b>34</b>
<b>INDIANA</b> .....	<b>17</b>	<b>SOUTH CAROLINA</b> .....	<b>34</b>
<b>IOWA</b> .....	<b>18</b>	<b>SOUTH DAKOTA</b> .....	<b>34</b>
<b>KANSAS</b> .....	<b>19</b>	<b>TENNESSEE</b> .....	<b>35</b>
<b>KENTUCKY</b> .....	<b>19</b>	<b>TEXAS</b> .....	<b>35</b>
<b>LOUISIANA</b> .....	<b>20</b>	<b>UTAH</b> .....	<b>35</b>
<b>MAINE</b> .....	<b>21</b>	<b>VERMONT</b> .....	<b>36</b>
<b>MARYLAND</b> .....	<b>22</b>	<b>VIRGINIA</b> .....	<b>36</b>
<b>MASSACHUSETTS</b> .....	<b>22</b>	<b>WASHINGTON</b> .....	<b>37</b>
<b>MICHIGAN</b> .....	<b>23</b>	<b>WEST VIRGINIA</b> .....	<b>38</b>
<b>MINNESOTA</b> .....	<b>23</b>	<b>WISCONSIN</b> .....	<b>40</b>
<b>MISSISSIPPI</b> .....	<b>24</b>	<b>WYOMING</b> .....	<b>40</b>
<b>MISSOURI</b> .....	<b>24</b>		

STATE	STATUTE
ALABAMA	<p data-bbox="1066 185 1293 212" style="text-align: center;"><b>Code of Ala. § 30-6-8</b></p> <p data-bbox="401 217 779 245"><b>§ 30-6-8. Information confidential.</b></p> <p data-bbox="373 250 1990 532">Information identifying individuals or facilities received by the office, the circuit, any district attorney or his or her employees, the director, or by authorized <b>persons employed by or volunteering services to a domestic violence center</b>, through files, reports, inspection, or otherwise, is confidential and exempt from Section 36-12-40. Information about the location of domestic violence centers and facilities is confidential and exempt from <b>Section 36-12-40</b>. Oral communications between a domestic violence victim and an advocate and written reports and records concerning the victim may not be disclosed without the written consent of the victim. This privilege does not relieve a person from any duty imposed pursuant to <b>Section 26-14-1</b> or Section 38-9-2. However, when cooperating with the Department of Human Resources, the staff and volunteers of a domestic violence center shall protect the confidentiality of other clients at the center. A victim or advocate may not claim this privilege when providing evidence in proceedings concerning child abuse, but may claim this privilege in all other proceedings, both criminal and civil. This privilege expires upon the death of the victim. The director shall ensure that the information obtained under authority of this chapter shall be restricted to the items germane to the implementation thereof and shall ensure that the provisions are administered so as not to accumulate any information or distribute any information that is not required by this chapter.</p> <p data-bbox="1066 565 1304 592" style="text-align: center;"><b>Code of Ala. § 26-14-1</b></p> <p data-bbox="373 597 617 625"><b>§ 26-14-1. Definitions.</b></p> <p data-bbox="373 630 1608 657">For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:</p> <p data-bbox="373 683 1990 878"><b>(1) Abuse.</b> — Harm or threatened harm to a child’s health or welfare. Harm or threatened harm to a child’s health or welfare can occur through nonaccidental physical or mental injury, sexual abuse or attempted sexual abuse or sexual exploitation or attempted sexual exploitation. “Sexual abuse” includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children as those acts are defined by Alabama law. “Sexual exploitation” includes allowing, permitting, or encouraging a child to engage in prostitution and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes.</p> <p data-bbox="373 911 1927 971"><b>(2) Neglect.</b> — Negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, supervision, clothing, or shelter.</p> <p data-bbox="373 1003 873 1031"><b>(3) Child.</b> — A person under the age of 18 years.</p> <p data-bbox="373 1057 1990 1170"><b>(4) Duly constituted authority.</b> — The chief of police of a municipality or municipality and county; or the sheriff, if the observation of child abuse or neglect is made in an unincorporated territory; or the Department of Human Resources; or any person, organization, corporation, group, or agency authorized and designated by the Department of Human Resources to receive reports of child abuse and neglect; provided, that a “duly constituted authority” shall not include an agency involved in the acts or omissions of the reported child abuse or neglect.</p>
ALASKA	<p data-bbox="1066 1203 1325 1230" style="text-align: center;"><b>Alaska Stat. § 18.66.200</b></p> <p data-bbox="373 1263 1094 1291"><b>§ 18.66.200. Compulsory disclosure of communications prohibited.</b></p> <p data-bbox="373 1295 1990 1377"><b>(a)</b> Except as provided in AS 18.66.210 or 18.66.220, <b>a victim or victim counselor</b> 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. In this subsection, "appropriate consent" means</p> <p data-bbox="491 1382 1108 1409"><b>(1)</b> the consent of the victim with respect to the testimony of</p>

STATE	STATUTE
	<p>(A) an adult victim; and  (B) a victim counselor when the victim is an adult;</p> <p>(2) the consent of the victim's parent, legal guardian, or guardian ad litem with respect to the testimony of a  (A) victim who is a minor or incompetent to testify; and  (B) victim counselor when the victim is a minor or incompetent to testify.</p> <p>(b) Either party may apply for appointment of a guardian ad litem for purposes of (a)(2) of this section.</p> <p>(c) A victim or victim counselor may not be compelled to provide testimony in a civil, criminal, or administrative proceeding that would identify the name, address, location, or telephone number of a safe house, abuse shelter, or other facility that provided temporary emergency shelter to the victim of the offense or transaction that is the subject of the proceeding, or the name, address, or telephone number of a victim counselor, unless the court or hearing officer determines that the information is necessary and relevant to the facts of the case.</p> <p>(d) Notwithstanding (a) of this section,  (1) a minor may waive the privilege provided under (a) of this section and testify or give consent for a victim counselor to testify if the court determines that the minor is capable of knowingly waiving the privilege;  (2) a parent or legal guardian may not, on behalf of a minor, waive the privilege provided under (a) of this section with respect to the minor's testimony or the testimony of a victim counselor if  (A) the parent or legal guardian has been charged with a crime against the minor;  (B) a protective order or restraining order has been entered against the parent or legal guardian on request of or on behalf of the minor; or  (C) the parent or legal guardian otherwise has an interest adverse to that of the minor with respect to the waiver of privilege.</p> <p style="text-align: center;"><b>Alaska Stat. § 18.66.220</b></p> <p><b>§ 18.66.220. Waiver.</b>  (a) A victim does not waive the protections provided in AS 18.66.200 by testifying except that, if the victim partially discloses the contents of a confidential communication in the course of testifying in a civil, criminal, or administrative proceeding, then either party may request the court or hearing officer to rule that justice requires the protections of AS 18.66.200 to be waived to the extent they apply to that portion of the communication. A waiver under this subsection applies only to the extent necessary to require a witness to respond to counsel's questions concerning the confidential communications that were disclosed and only to the extent that they are relevant to the facts of the case.</p> <p>(b) A victim counselor may not waive the protections afforded to a victim under AS 18.66.200 without the consent of the victim or the consent of a parent, legal guardian, or guardian ad litem authorized to give consent under AS 18.66.200.</p> <p style="text-align: center;"><b>Alaska Stat. § 18.66.250</b></p> <p><b>Sec. § 18.66.250. Definition.</b>  (1) "confidential communication" means information exchanged between a victim and a victim counselor in private or in the presence of a third party who is necessary to facilitate communication or further the counseling process and that is disclosed in the course of victim counseling resulting from a sexual assault or domestic violence;</p> <p>(2) "sexual assault" means an offense under AS 11.41.410 -- 11.41.470 or an offense in another jurisdiction whose elements are similar to the elements of an offense under AS 11.41.410 -- 11.41.470;</p> <p>(3) "victim" means a person who consults a victim counselor for assistance in overcoming adverse effects of a sexual assault or domestic violence;</p>

STATE	STATUTE
	<p>(4) "victim counseling" means support, assistance, advice, or treatment to alleviate the adverse effects of a sexual assault or domestic violence on the victim;</p> <p>(5) "victim counseling center" means a private organization, an organization operated by or contracted by a branch of the armed forces of the United States, or a local government agency that</p> <ul style="list-style-type: none"> <li>(A) has, as one of its primary purposes, the provision of direct services to victims for trauma resulting from a sexual assault or domestic violence;</li> <li>(B) is not affiliated with a law enforcement agency or a prosecutor's office; and</li> <li>(C) is not on contract with the state to provide services under AS 47;</li> </ul> <p>(6) "victim counselor" means an employee or supervised volunteer of a victim counseling center that provides counseling to victims</p> <ul style="list-style-type: none"> <li>(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</li> <li>(B) whose duties include victim counseling.</li> </ul> <p style="text-align: center;"><b>Alaska Stat. § 18.66.210</b></p> <p><b>Sec. 18.66.210. Exceptions.</b> The privilege provided under AS 18.66.200 does not apply to</p> <ul style="list-style-type: none"> <li>(1) reports of suspected child abuse or neglect under AS 47.17;</li> <li>(2) evidence that the victim is about to commit a crime;</li> <li>(3) a proceeding that occurs after the victim's death;</li> <li>(4) a communication relevant to an issue of breach by the victim or victim counselor of a duty arising out of the victim-victim counselor relationship;</li> <li>(5) a communication that is determined to be admissible hearsay as an excited utterance under the Alaska Rules of Evidence;</li> <li>(6) a child-in-need-of-aid proceeding under AS 47.10;</li> <li>(7) a communication made during the victim-victim counselor relationship if the services of the counselor were sought, obtained, or used to enable anyone to commit or plan a crime or to escape detection or apprehension after the commission of a crime; or</li> <li>(8) a criminal proceeding concerning criminal charges against a victim of domestic violence or sexual assault where the victim is charged with a crime</li> </ul> <ul style="list-style-type: none"> <li>(A) under AS 11.41 against a minor; or</li> <li>(B) in which the physical, mental, or emotional condition of the victim is raised in defense of the victim.</li> </ul> <p style="text-align: center;"><b>Alaska Stat. § 18.66.230</b></p> <p><b>Sec. 18.66.230. Inference from claim of privilege; instruction.</b></p> <p>(a) The claim of a privilege under AS 18.66.200, whether in a present proceeding or upon a prior occasion, is not a proper subject of comment by a judge, hearing officer, legislator, or counsel. An inference may not be drawn from the claim of privilege.</p> <p>(b) In jury cases, proceedings shall be conducted, to the extent practicable, so as to facilitate the making of a claim of privilege under AS 18.66.200 without the knowledge of the jury.</p> <p>(c) Upon request, a party against whom a jury might draw an adverse inference from a claim of privilege under AS 18.66.200 is entitled to an instruction that an inference may not be drawn from the claim of privilege.</p>
ARIZONA	<p style="text-align: center;"><b>A.R.S. § 8-409</b></p> <p><b>§ 8-409. Consultation between crime victim advocate and victim; privileged information; exception.</b></p> <p>A. A crime <b>victim advocate</b> shall not disclose as a witness or otherwise any communication made by or with the victim, including any communication made to or in the presence of others, unless the victim consents in writing to the disclosure.</p>

STATE	STATUTE
	<p><b>B.</b> Unless the victim consents in writing to the disclosure, a crime victim advocate shall not disclose records, notes, documents, correspondence, reports or memoranda that contain opinions, theories or other information made while advising, counseling or assisting the victim or that are based on communications made by or with the victim, including communications made to or in the presence of others.</p> <p><b>C.</b> The communication is not privileged if the crime victim advocate knows that the victim will give or has given perjured testimony or if the communication contains exculpatory material.</p> <p><b>D.</b> An accused may make a motion for disclosure of privileged information. If the court finds there is reasonable cause to believe the material is exculpatory, the court shall hold a hearing in camera. Material that the court finds is exculpatory shall be disclosed to the accused.</p> <p><b>E.</b> If, with the written or verbal consent of the victim, the crime victim advocate discloses to the prosecutor or a law enforcement agency any communication between the victim and the crime victim advocate or any records, notes, documents, correspondence, reports or memoranda, the prosecutor or law enforcement agent shall disclose the material to the accused's attorney only if the information is otherwise exculpatory.</p> <p><b>F.</b> Notwithstanding subsections A and B of this section, if a crime victim consents either verbally or in writing, a crime victim advocate may disclose information to other professionals and administrative support persons that the advocate works with for the purpose of assisting the advocate in providing services to the victim and to the court in furtherance of any victims' right pursuant to this chapter.</p>
<p><b>ARKANSAS</b></p>	<p style="text-align: right;"><b>A.C.A. § 9-4-106</b></p> <p><b>9-4-106. Program requirements.</b>  <b>(5)</b>  <b>(A)</b> Require all advocates and volunteers who provide direct services to victims to sign a written confidentiality agreement that prohibits the release of the following:  <b>(i)</b> The names or other personal and identifying information about the victims who are served at the shelter; and  <b>(ii)</b> The names or other personal and identifying information about the family or household members of the victims who are served at the shelter.  <b>(B)</b> The confidentiality agreement shall not apply to advocates who testify in court.  <b>(C)</b> The confidentiality agreement shall not prevent disclosure from federal grant review, audit, or reporting;</p>
<p><b>CALIFORNIA</b></p>	<p style="text-align: right;"><b>Cal Evid Code § 1037.2</b></p> <p><b>§ 1037.2. "Confidential communication"; Compelling disclosure (Domestic Violence Counselor Victim Privilege)</b>  <b>(a)</b> As used in this article, "confidential communication" means any information, including, but not limited to, written or oral communication, transmitted between the victim and the counselor in the course of their relationship and in confidence by a means which, so far as the victim is aware, discloses the information to no third persons other than those who are present to further the interests of the victim in the consultation or those to whom disclosures are reasonably necessary for the transmission of the information or an accomplishment of the purposes for which the domestic violence counselor is consulted. The term includes all information regarding the facts and circumstances involving all incidences of domestic violence, as well as all information about the children of the victim or abuser and the relationship of the victim with the abuser.</p> <p><b>(b)</b> 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. The court may compel disclosure if the victim is either dead or not the complaining witness in a criminal action against the perpetrator. The court may also compel disclosure in proceedings related to child abuse if the court determines that the probative value of the evidence outweighs the effect of the disclosure on the victim, the counseling relationship, and the counseling services.</p>

STATE	STATUTE
	<p>(c) When a court rules on a claim of privilege under this article, it may require the person from whom disclosure is sought or the person authorized to claim the privilege, or both, to disclose the information in chambers out of the presence and hearing of all persons except the person authorized to claim the privilege and such other persons as the person authorized to claim the privilege consents to have present. If the judge determines that the information is privileged and shall not be disclosed, neither he nor she nor any other person may disclose, without the consent of a person authorized to permit disclosure, any information disclosed in the course of the proceedings in chambers.</p> <p>(d) If the court determines that information shall be disclosed, the court shall so order and inform the defendant in the criminal action. If the court finds there is a reasonable likelihood that any information is subject to disclosure pursuant to the balancing test provided in this section, the procedure specified in subdivisions (1), (2), and (3) of Section 1035.4 shall be followed.</p> <p style="text-align: center;"><b>Cal Evid Code § 1037.1</b></p> <p><b>§ 1037.1. "Domestic violence counselor"</b></p> <p>(a)</p> <p>(1) As used in this article, "domestic violence counselor" means a person who is employed by a domestic violence victim service organization, as defined in this article, whether financially compensated or not, for the purpose of rendering advice or assistance to victims of domestic violence and who has at least 40 hours of training as specified in paragraph (2).</p> <p>(2) The 40 hours of training shall be supervised by an individual who qualifies as a counselor under paragraph (1), and who has at least one year of experience counseling domestic violence victims for the domestic violence victim service organization. The training shall include, but need not be limited to, the following areas: history of domestic violence, civil and criminal law as it relates to domestic violence, the domestic violence victim-counselor privilege and other laws that protect the confidentiality of victim records and information, societal attitudes towards domestic violence, peer counseling techniques, housing, public assistance and other financial resources available to meet the financial needs of domestic violence victims, and referral services available to domestic violence victims.</p> <p>(3) A domestic violence counselor who has been employed by the domestic violence victim service organization for a period of less than six months shall be supervised by a domestic violence counselor who has at least one year of experience counseling domestic violence victims for the domestic violence victim service organization.</p> <p>(b) As used in this article, "domestic violence victim service organization" means a nongovernmental organization or entity that provides shelter, programs, or services to victims of domestic violence and their children, including, but not limited to, either of the following:</p> <p>(1) Domestic violence shelter-based programs, as described in Section 18294 of the Welfare and Institutions Code.</p> <p>(2) Other programs with the primary mission to provide services to victims of domestic violence whether or not that program exists in an agency that provides additional services.</p> <p style="text-align: center;"><b>Cal Evid Code § 1037.5</b></p> <p><b>§ 1037.5. Who may claim privilege</b></p> <p>A victim of domestic violence, whether or not a party to the action, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the victim and a domestic violence counselor in any proceeding specified in Section 901 if the privilege is claimed by any of the following persons:</p> <p>(a) The holder of the privilege.</p> <p>(b) A person who is authorized to claim the privilege by the holder of the privilege.</p> <p>(c) The person who was the domestic violence counselor at the time of the confidential communication. However, that person may not claim the privilege if there is no holder of the privilege in existence or if he or she is otherwise instructed by a person authorized to permit disclosure.</p>

STATE	STATUTE
	<p style="text-align: center;"><b>Cal Evid Code § 1037.4</b></p> <p><b>§ 1037.4. "Holder of the privilege"</b>  As used in this article, "holder of the privilege" means:</p> <ul style="list-style-type: none"> <li>(a) The victim when he or she has no guardian or conservator.</li> <li>(b) A guardian or conservator of the victim when the victim has a guardian or conservator, unless the guardian or conservator is accused of perpetrating domestic violence against the victim.</li> </ul> <p style="text-align: center;"><b>Cal Evid Code § 1037.3</b></p> <p><b>§ 1037.3. Effect of article on obligation to report child abuse</b>  Nothing in this article shall be construed to limit any obligation to report instances of child abuse as required by Section 11166 of the Penal Code.</p> <p style="text-align: center;"><b>Cal Evid Code § 1037.6</b></p> <p><b>§ 1037.6. When domestic violence counselor must claim privilege</b>  The domestic violence counselor who received or made a communication subject to the privilege granted by this article shall claim the privilege whenever he or she is present when the communication is sought to be disclosed and he or she is authorized to claim the privilege under subdivision (c) of Section 1037.5.</p> <p style="text-align: center;"><b>Cal Evid Code § 1037.8</b></p> <p><b>§ 1037.8. Informing victim of limitations on confidentiality of communications</b>  A domestic violence counselor shall inform a domestic violence victim of any applicable limitations on confidentiality of communications between the victim and the domestic violence counselor. This information may be given orally.</p> <p style="text-align: center;"><b>Cal Evid Code § 912</b></p> <p><b>§ 912. Waiver of privilege</b></p> <p>(a) Except as otherwise provided in this section, the right of any person to claim a privilege provided by Section 954 (lawyer-client privilege), 966 (lawyer referral service-client privilege), 980 (privilege for confidential marital communications), 994 (physician-patient privilege), 1014 (psychotherapist-patient privilege), 1033 (privilege of penitent), 1034 (privilege of clergy member), 1035.8 (sexual assault counselor-victim privilege), 1037.5 (domestic violence counselor-victim privilege), or 1038 (human trafficking caseworker-victim privilege) is waived with respect to a communication protected by the privilege if any holder of the privilege, without coercion, has disclosed a significant part of the communication or has consented to disclosure made by anyone. Consent to disclosure is manifested by any statement or other conduct of the holder of the privilege indicating consent to the disclosure, including failure to claim the privilege in any proceeding in which the holder has legal standing and the opportunity to claim the privilege.</p> <p>(b) Where two or more persons are joint holders of a privilege provided by Section 954 (lawyer-client privilege), 966 (lawyer referral service-client privilege), 994 (physician-patient privilege), 1014 (psychotherapist-patient privilege), 1035.8 (sexual assault counselor-victim privilege), 1037.5 (domestic violence counselor-victim privilege), or 1038 (human trafficking caseworker-victim privilege), a waiver of the right of a particular joint holder of the privilege to claim the privilege does not affect the right of another joint holder to claim the privilege. In the case of the privilege provided by Section 980 (privilege for confidential marital communications), a waiver of the right of one spouse to claim the privilege does not affect the right of the other spouse to claim the privilege.</p> <p>(c) A disclosure that is itself privileged is not a waiver of any privilege.</p> <p>(d) A disclosure in confidence of a communication that is protected by a privilege provided by Section 954 (lawyer-client privilege), 966 (lawyer referral service-client privilege), 994 (physician-patient privilege), 1014 (psychotherapist-patient privilege), 1035.8 (sexual assault counselor-victim privilege), 1037.5 (domestic violence counselor-victim privilege), or 1038 (human trafficking caseworker-victim privilege), when disclosure is reasonably necessary for the</p>



STATE	STATUTE
	<p>accomplishment of the purpose for which the lawyer, lawyer referral service, physician, psychotherapist, sexual assault counselor, domestic violence counselor, or human trafficking caseworker was consulted, is not a waiver of the privilege.</p> <p style="text-align: center;"><b>Cal Evid Code § 1035.4</b></p> <p><b>§ 1035.4. "Confidential communication between the sexual assault counselor and the victim"</b>  As used in this article, "confidential communication between the sexual assault counselor and the victim" means information transmitted between the victim and the sexual assault counselor in the course of their relationship and in confidence by a means which, so far as the victim is aware, discloses the information to no third persons other than those who are present to further the interests of the victim in the consultation or those to whom disclosures are reasonably necessary for the transmission of the information or an accomplishment of the purposes for which the sexual assault counselor is consulted. The term includes all information regarding the facts and circumstances involving the alleged sexual assault and also includes all information regarding the victim's prior or subsequent sexual conduct, and opinions regarding the victim's sexual conduct or reputation in sexual matters.</p> <p>The court may compel disclosure of information received by the sexual assault counselor which constitutes relevant evidence of the facts and circumstances involving an alleged sexual assault about which the victim is complaining and which is the subject of a criminal proceeding if the court determines that the probative value outweighs the effect on the victim, the treatment relationship, and the treatment services if disclosure is compelled. The court may also compel disclosure in proceedings related to child abuse if the court determines the probative value outweighs the effect on the victim, the treatment relationship, and the treatment services if disclosure is compelled.</p> <p>When a court is ruling on a claim of privilege under this article, the court may require the person from whom disclosure is sought or the person authorized to claim the privilege, or both, to disclose the information in chambers out of the presence and hearing of all persons except the person authorized to claim the privilege and such other persons as the person authorized to claim the privilege is willing to have present. If the judge determines that the information is privileged and must not be disclosed, neither he or she nor any other person may ever disclose, without the consent of a person authorized to permit disclosure, what was disclosed in the course of the proceedings in chambers.</p> <p>If the court determines certain information shall be disclosed, the court shall so order and inform the defendant. If the court finds there is a reasonable likelihood that particular information is subject to disclosure pursuant to the balancing test provided in this section, the following procedure shall be followed:</p> <ol style="list-style-type: none"> <li>(1) The court shall inform the defendant of the nature of the information which may be subject to disclosure.</li> <li>(2) The court shall order a hearing out of the presence of the jury, if any, and at the hearing allow the questioning of the sexual assault counselor regarding the information which the court has determined may be subject to disclosure.</li> <li>(3) At the conclusion of the hearing, the court shall rule which items of information, if any, shall be disclosed. The court may make an order stating what evidence may be introduced by the defendant and the nature of questions to be permitted. The defendant may then offer evidence pursuant to the order of the court. Admission of evidence concerning the sexual conduct of the complaining witness is subject to Sections 352, 782, and 1103.</li> </ol> <p style="text-align: center;"><b>Cal Evid Code § 1035.2</b></p> <p><b>§ 1035.2. "Sexual assault counselor"</b>  As used in this article, "sexual assault counselor" means any of the following:</p> <p>(a) A person who is engaged in any office, hospital, institution, or center commonly known as a rape crisis center, whose primary purpose is the rendering of advice or assistance to victims of sexual assault and who has received a certificate evidencing completion of a training program in the counseling of sexual assault victims issued by a counseling center that meets the criteria for the award of a grant established pursuant to Section 13837 of the Penal Code and who meets one of the following requirements:</p> <ol style="list-style-type: none"> <li>(1) Is a psychotherapist as defined in Section 1010; has a master's degree in counseling or a related field; or has one year of counseling experience, at least six months of which is in rape crisis counseling.</li> <li>(2) Has 40 hours of training as described below and is supervised by an individual who qualifies as a counselor under paragraph (1). The training, supervised by a person qualified under paragraph (1), shall include, but not be limited to, the following areas:</li> </ol>

STATE	STATUTE
	<p>(A) Law.            (B) Medicine.            (C) Societal attitudes.            (D) Crisis intervention and counseling techniques.            (E) Role playing.            (F) Referral services.            (G) Sexuality.</p> <p>(b) A person who is employed by any organization providing the programs specified in Section 13835.2 of the Penal Code, whether financially compensated or not, for the purpose of counseling and assisting sexual assault victims, and who meets one of the following requirements:            (1) Is a psychotherapist as defined in Section 1010; has a master's degree in counseling or a related field; or has one year of counseling experience, at least six months of which is in rape assault counseling.            (2) Has the minimum training for sexual assault counseling required by guidelines established by the employing agency pursuant to subdivision (c) of Section 13835.10 of the Penal Code, and is supervised by an individual who qualifies as a counselor under paragraph (1). The training, supervised by a person qualified under paragraph (1), shall include, but not be limited to, the following areas:            (A) Law.            (B) Victimology.            (C) Counseling.            (D) Client and system advocacy.            (E) Referral services.</p> <p style="text-align: center;"><b>Cal Evid Code § 1035.6</b></p> <p><b>§ 1035.6. "Holder of the privilege"</b>            As used in this article, "holder of the privilege" means:            (a) The victim when such person has no guardian or conservator.            (b) A guardian or conservator of the victim when the victim has a guardian or conservator.            (c) The personal representative of the victim if the victim is dead.</p> <p style="text-align: center;"><b>Cal Evid Code § 1035.8</b></p> <p><b>§ 1035.8. Victim's privilege</b>            A victim of a sexual assault, whether or not a party, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the victim and a sexual assault counselor if the privilege is claimed by any of the following:            (a) The holder of the privilege;            (b) A person who is authorized to claim the privilege by the holder of the privilege; or            (c) The person who was the sexual assault counselor at the time of the confidential communication, but that person may not claim the privilege if there is no holder of the privilege in existence or if he or she is otherwise instructed by a person authorized to permit disclosure.</p> <p style="text-align: center;"><b>Cal Evid Code § 1036</b></p> <p><b>§ 1036. Counselor's privilege</b>            The sexual assault counselor who received or made a communication subject to the privilege under this article shall claim the privilege if he or she is present when the communication is sought to be disclosed and is authorized to claim the privilege under subdivision (c) of Section 1035.8.</p> <p style="text-align: center;"><b>Cal Evid Code § 1036.2</b></p> <p><b>§ 1036.2. "Sexual assault"</b>            As used in this article, "sexual assault" includes all of the following:</p>

STATE	STATUTE
	<p>(a) Rape, as defined in Section 261 of the Penal Code.  (b) Unlawful sexual intercourse, as defined in Section 261.5 of the Penal Code.  (c) Rape in concert with force and violence, as defined in Section 264.1 of the Penal Code.  (d) Rape of a spouse, as defined in Section 262 of the Penal Code.  (e) Sodomy, as defined in Section 286 of the Penal Code, except a violation of subdivision (e) of that section.(f) A violation of Section 288 of the Penal Code.  (g) Oral copulation, as defined in Section 288a of the Penal Code, except a violation of subdivision (e) of that section.  (h) Sexual penetration, as defined in Section 289 of the Penal Code.  (i) Annoying or molesting a child under 18, as defined in Section 647a of the Penal Code.  (j) Any attempt to commit any of the above acts.</p> <p style="text-align: center;"><b>Cal Evid Code § 1038</b></p> <p><b>§ 1038. Right to prevent disclosure of confidential communication between victim and caseworker; Who may claim privilege; Notice to victim</b>  (a) A trafficking victim, whether or not a party to the action, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the victim and a human trafficking caseworker if the privilege is claimed by any of the following persons:  (1) The holder of the privilege.  (2) A person who is authorized to claim the privilege by the holder of the privilege.  (3) The person who was the human trafficking caseworker at the time of the confidential communication. However, that person may not claim the privilege if there is no holder of the privilege in existence or if he or she is otherwise instructed by a person authorized to permit disclosure. The human trafficking caseworker who received or made a communication subject to the privilege granted by this article shall claim the privilege whenever he or she is present when the communication is sought to be disclosed and he or she is authorized to claim the privilege under this section.  (b) A human trafficking caseworker shall inform a trafficking victim of any applicable limitations on confidentiality of communications between the victim and the caseworker. This information may be given orally.</p> <p style="text-align: center;"><b>Cal Evid Code § 1038.1</b></p> <p><b>§ 1038.1. When court may compel disclosure; Ruling on claim of privilege</b>  (a) The court may compel disclosure of information received by a human trafficking caseworker that constitutes relevant evidence of the facts and circumstances involving a crime allegedly perpetrated against the victim and that 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. The court may compel disclosure if the victim is either dead or not the complaining witness in a criminal action against the perpetrator.  (b) When a court rules on a claim of privilege under this article, it may require the person from whom disclosure is sought or the person authorized to claim the privilege, or both, to disclose the information in chambers out of the presence and hearing of all persons except the person authorized to claim the privilege and those other persons that the person authorized to claim the privilege consents to have present.  (c) If the judge determines that the information is privileged and shall not be disclosed, neither he nor she nor any other person may disclose, without the consent of a person authorized to permit disclosure, any information disclosed in the course of the proceedings in chambers. If the court determines that information shall be disclosed, the court shall so order and inform the defendant in the criminal action. If the court finds there is a reasonable likelihood that any information is subject to disclosure pursuant to the balancing test provided in this section, the procedure specified in paragraphs (1), (2), and (3) of Section 1035.4 shall be followed.</p>
COLORADO	C.R.S. 13-90-107

STATE	STATUTE
	<p><b>13-90-107. Who may not testify without consent – definitions</b> (k)</p> <p>(I) A victim's advocate shall not be examined as to any communication made to such victim's advocate by a victim of domestic violence, as defined in section 18-6-800.3 (1), C.R.S., or a victim of sexual assault, as described in sections 18-3-401 to 18-3-405.5, 18-6-301, and 18-6-302, C.R.S., in person or through the media of written records or reports without the consent of the victim.</p> <p>(II) For purposes of this paragraph (k), a "victim's advocate" means a person at a battered women's shelter or rape crisis organization or a comparable community-based advocacy program for victims of domestic violence or sexual assault and does not include an advocate employed by any law enforcement agency:</p> <p>(A) Whose primary function is to render advice, counsel, or assist victims of domestic or family violence or sexual assault; and</p> <p>(B) Who has undergone not less than fifteen hours of training as a victim's advocate or, with respect to an advocate who assists victims of sexual assault, not less than thirty hours of training as a sexual assault victim's advocate; and</p> <p>(C) Who supervises employees of the program, administers the program, or works under the direction of a supervisor of the program.</p>
CONNECTICUT	<p style="text-align: center;"><b>Conn. Gen. Stat. § 52-146k</b></p> <p><b>Sec. 52-146k. Privileged communications between domestic violence or sexual assault counselor and victim.</b></p> <p>(a) As used in this section:</p> <p>(1) "Domestic violence agency" means any office, shelter, host home or agency offering assistance to victims of domestic violence through crisis intervention, emergency shelter referral and medical and legal advocacy, and which meets the Department of Social Services criteria of service provision for such agencies.</p> <p>(2) "Domestic violence counselor" means any person engaged in a domestic violence agency (A) who has undergone a minimum of twenty hours of training which shall include, but not be limited to, the dynamics of domestic violence, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice system and information about state and community resources for victims of domestic violence, (B) who is certified as a counselor by the domestic violence agency that provided such training, (C) who is under the control of a direct service supervisor of a domestic violence agency, and (D) whose primary purpose is the rendering of advice, counsel and assistance to, and the advocacy of the cause of, victims of domestic violence.</p> <p>(3) "Confidential communication" means information transmitted between a victim of domestic violence or a victim of a sexual assault and a domestic violence counselor or a sexual assault counselor in the course of that relationship and in confidence by a means which, so far as the victim is aware, does not disclose the information to a third person other than any person who is present to further the interests of the victim in the consultation or any person to whom disclosure is reasonably necessary for the transmission of the information or for the accomplishment of the purposes for which such counselor is consulted, and includes all information received by, and any advice, report or working paper given or made by, such counselor in the course of the relationship with the victim.</p> <p>(4) "Rape crisis center" means any office, institution or center offering assistance to victims of sexual assault and their families through crisis intervention, medical and legal advocacy and follow-up counseling.</p> <p>(5) "Sexual assault counselor" means (A) any person engaged in a rape crisis center who (i) has undergone a minimum of twenty hours of training which shall include, but not be limited to, the dynamics of sexual assault and incest, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice system, information about hospital and medical systems and information about state and community resources for sexual assault victims, (ii) is certified as a counselor by the sexual assault center which has provided such training, (iii) is under the control of a direct services supervisor of a rape crisis center, and (iv) whose primary purpose is the rendering of advice, counseling and assistance to, and the advocacy of the cause of, victims of sexual assault, or (B) any member of the armed forces of the state or the United States who is trained and certified as a victim advocate or a sexual assault prevention coordinator in accordance with the military's sexual assault prevention and response program.</p> <p>(6) "Victim" means any person who consults a domestic violence counselor or a sexual assault counselor for the purpose of securing advice, counseling or assistance concerning a mental, physical or emotional condition caused by domestic violence or a sexual assault.</p> <p>(b) On or after October 1, 1983, a domestic violence counselor or a sexual assault counselor shall not disclose any confidential communications made to such</p>

STATE	STATUTE
	<p>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 domestic violence agency or rape crisis center or the identity of the domestic violence counselor or sexual assault counselor be disclosed in any civil or criminal proceeding. Any request made on or after October 1, 1983, by the defendant or the state for such confidential communications shall be subject to the provisions of this subsection.</p> <p>(c) When a victim is deceased or has been adjudged incompetent by a court of competent jurisdiction, the guardian of the victim or the executor or administrator of the estate of the victim may waive the privilege established by this section.</p> <p>(d) A minor may knowingly waive the privilege established by this section. In any instance where the minor is, in the opinion of the court, incapable of knowingly waiving the privilege, the parent or guardian of the minor may waive the privilege on behalf of the minor, provided the parent or guardian is not the defendant and does not have a relationship with the defendant such that the parent or guardian has an interest in the outcome of the proceeding.</p> <p>(e) The privilege established by this section shall not apply: (1) In matters of proof concerning chain of custody of evidence; (2) in matters of proof concerning the physical appearance of the victim at the time of the injury; or (3) where the domestic violence counselor or sexual assault counselor has knowledge that the victim has given perjured testimony and the defendant or the state has made an offer of proof that perjury may have been committed by the victim.</p> <p>(f) The failure of any party to testify as a witness pursuant to the provisions of this section shall not result in an inference unfavorable to the state’s cause or to the cause of the defendant.</p>
<b>DELAWARE</b>	No Statute
<b>DISTRICT OF COLUMBIA</b>	<p style="text-align: center;"><b>D.C. Code § 14-310</b></p> <p><b>§ 14-310. Domestic violence counselors</b></p> <p>(a) For the purposes of this section, the term:</p> <p style="padding-left: 20px;">(1) “Confidential communication” means information exchanged between a victim and a domestic violence counselor during the course of the counselor providing counseling, support, and assistance to a victim, including all records kept by the counselor and the domestic violence program concerning the victim and services provided to the victim.</p> <p style="padding-left: 20px;">(2) “Domestic violence counselor” means an employee, contractor, or volunteer of a domestic violence program who:</p> <p style="padding-left: 40px;">(A) Is rendering support, counseling, or assistance to a victim;</p> <p style="padding-left: 40px;">(B) Has undergone not less than 40 hours of domestic violence counselor training conducted by a domestic violence program that includes dynamics of domestic violence, trauma resulting from domestic violence, crisis intervention, personal safety, risk management, criminal and civil court processes, and resources available to victims; and</p> <p style="padding-left: 20px;">(C)</p> <p style="padding-left: 40px;">(i) Is or is under the supervision of a licensed social worker, nurse, physician, psychologist, or psychotherapist; or</p> <p style="padding-left: 40px;">(ii) Is or is under the supervision of a person who has a minimum of 5 years of experience rendering support, counseling, or assistance to persons against whom severe emotional abuse or a criminal offense has been committed or is alleged to have been committed, of which at least 2 years of experience involves victims.</p> <p style="padding-left: 20px;">(3) “Domestic violence program” means a nonprofit, non-governmental organization that supports, counsels, and assists victims, including domestic violence hotlines, domestic violence shelters, and domestic violence intake centers.</p> <p style="padding-left: 20px;">(4) “Intrafamily offense” shall have the same meaning as provided in § 16-1001(8).</p> <p style="padding-left: 20px;">(5) “Victim” means a person against whom severe emotional abuse or an intrafamily offense has been committed or is alleged to have been committed.</p>

STATE	STATUTE
	<p>(b)</p> <p>(1) A domestic violence counselor shall not disclose a confidential communication except:</p> <p>(A) As required by statute or by a court of law;</p> <p>(B) As voluntarily authorized in writing by the victim;</p> <p>(C) To other individuals employed at the domestic violence program and third party providers when and to the extent necessary to facilitate the delivery of services to the victim;</p> <p>(D) To the Metropolitan Police Department or other law enforcement agency to the extent necessary to protect the victim or another individual from a substantial risk of imminent and serious physical injury;</p> <p>(E) To compile statistical or anecdotal information, without personal identifying information, for research or public information purposes;</p> <p>or</p> <p>(F) For any confidential communications relevant to a claim or defense if the victim files a lawsuit against a domestic violence counselor or a domestic violence program.</p> <p>(2) Unless the disclosure is public, confidential communications disclosed pursuant to paragraph (1) of this subsection shall not be further disclosed by the recipient except as authorized in paragraph (1) of this subsection.</p> <p>(3) Confidential communications are not waived by the presence of a sign language or foreign language interpreter. Such an interpreter is subject to the same disclosure limitations set forth in paragraph (1) of this subsection and the same privilege set forth in subsection (c) of this section.</p> <p>(c)</p> <p>(1) Except as provided in paragraph (2) of this subsection, when a victim is under 12 years of age, has been adjudicated incompetent by a court of competent jurisdiction for the purpose of asserting or waiving the privilege established by this section, or is deceased, the victim’s parent, guardian, or personal representative may assert or waive the privilege.</p> <p>(2) If the parent, guardian, or personal representative of a victim described in paragraph (1) of this subsection has been charged with an intrafamily offense or has had a protection order or a neglect petition entered against him or her at the request of or on behalf of the victim, or otherwise has interests adverse to those of the victim with respect to the assertion or waiver of the privilege, the court shall appoint an attorney for purposes of asserting or waiving the privilege.</p> <p>(d) The assertion of any privilege under this section is not admissible in evidence.</p>
FLORIDA	<p style="text-align: right;"><b>Fla. Stat. § 90.5035</b></p> <p><b>§ 90.5035. Sexual assault counselor-victim privilege</b></p> <p>(1) For purposes of this section:</p> <p>(a) A “rape crisis center” is any public or private agency that offers assistance to victims of sexual assault or sexual battery and their families.</p> <p>(b) A “sexual assault counselor” is any employee of a rape crisis center whose primary purpose is the rendering of advice, counseling, or assistance to victims of sexual assault or sexual battery.</p> <p>(c) A “trained volunteer” is a person who volunteers at a rape crisis center, has completed 30 hours of training in assisting victims of sexual violence and related topics provided by the rape crisis center, is supervised by members of the staff of the rape crisis center, and is included on a list of volunteers that is maintained by the rape crisis center.</p> <p>(d) A “victim” is a person who consults a sexual assault counselor or a trained volunteer for the purpose of securing advice, counseling, or assistance concerning a mental, physical, or emotional condition caused by a sexual assault or sexual battery, an alleged sexual assault or sexual battery, or an attempted sexual assault or sexual battery.</p> <p>(e) A communication between a sexual assault counselor or trained volunteer and a victim is “confidential” if it is not intended to be disclosed to third persons other than:</p> <ol style="list-style-type: none"> <li>1. Those persons present to further the interest of the victim in the consultation, examination, or interview.</li> <li>2. Those persons necessary for the transmission of the communication.</li> <li>3. Those persons to whom disclosure is reasonably necessary to accomplish the purposes for which the sexual assault counselor or the</li> </ol>

STATE	STATUTE
	<p>trained volunteer is consulted.</p> <p>(2) A victim has a 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 trained volunteer or any record made in the course of advising, counseling, or assisting the victim. Such confidential communication or record may be disclosed only with the prior written consent of the victim. This privilege includes any advice given by the sexual assault counselor or trained volunteer in the course of that relationship.</p> <p>(3) The privilege may be claimed by:</p> <ul style="list-style-type: none"> <li>(a) The victim or the victim’s attorney on his or her behalf.</li> <li>(b) A guardian or conservator of the victim.</li> <li>(c) The personal representative of a deceased victim.</li> <li>(d) The sexual assault counselor or trained volunteer, but only on behalf of the victim. The authority of a sexual assault counselor or trained volunteer to claim the privilege is presumed in the absence of evidence to the contrary.</li> </ul>
GEORGIA	No Statute
HAWAII	<p style="text-align: center;"><b>HRS chap. 626, HRS Rule 505.5</b></p> <p><b>Rule 505.5. Victim-counselor privilege.</b></p> <p>(a) Definitions. As used in this rule:</p> <ul style="list-style-type: none"> <li>(1) A communication is “confidential” if not intended to be disclosed to third persons other than those to whom disclosure would be in furtherance of the provision of counseling or treatment services to the victim or those reasonably necessary for the transmission of the communication.</li> <li>(2) “Domestic violence victims’ program” means any refuge, shelter, office, safe home, institution, or center established for the purpose of offering assistance to victims of abuse through crisis intervention, medical, legal, or support counseling.</li> <li>(3) “Sexual assault crisis center” means any office, institution, or center offering assistance to victims of sexual assault and the families of such victims through crisis intervention, medical, and legal, or support counseling.</li> <li>(4) “Social worker” means a person who has received a master’s degree in social work from a school of social work accredited by the Council on Social Work Education.</li> <li>(5) A “victim” is a person who consults a victim counselor for assistance in overcoming any adverse emotional or psychological effect of sexual assault, domestic violence, or child abuse.</li> <li>(6) A “victim counseling program” is any activity of a domestic violence victims’ program or a sexual assault crisis center that has, as its primary function, the counseling and treatment of sexual assault, domestic violence, or child abuse victims and their families, and that operates independently of any law enforcement agency, prosecutor’s office, or the department of human services.</li> <li>(7) A “victim counselor” is either a sexual assault counselor or a domestic violence victims’ counselor. A sexual assault counselor is a person who is employed by or is a volunteer in a sexual assault crisis center, has undergone a minimum of thirty-five hours of training and who is, or who reports to and is under the direct control and supervision of, a social worker, nurse, psychiatrist, psychologist, or psychotherapist, and whose primary function is the rendering of advice, counseling or assistance to victims of sexual assault. A domestic violence victims’ counselor is a person who is employed by or is a volunteer in a domestic violence victims’ program, has undergone a minimum of twenty-five hours of training and who is, or who reports to and is under the direct control and supervision of, a direct service supervisor of a domestic violence victims’ program, and whose primary function is the rendering of advice, counseling, or assistance to victims of abuse.</li> </ul> <p>(b) General rule of privilege. A victim has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made to a victim counselor for the purpose of counseling or treatment of the victim for the emotional or psychological effects of sexual assault, domestic violence, or child abuse or neglect, and to refuse to provide evidence that would identify the name, location, or telephone number of a safe house, abuse shelter, or other facility that provided temporary emergency shelter to the victim.</p>

STATE	STATUTE
	<p>(c) Who may claim the privilege. The privilege may be claimed by the victim, the victim’s guardian or conservator, or the personal representative of a deceased victim. The person who was the victim counselor at the time of the communication is presumed to have authority to claim the privilege but only on behalf of the victim.</p> <p>(d) Exceptions. There is no privilege under this rule:</p> <p>(1) Perjured testimony by victim. If the victim counselor reasonably believes that the victim has given perjured testimony and a party to the proceeding has made an offer of proof that perjury may have been committed.</p> <p>(2) Physical appearance and condition of victim. In matters of proof concerning the physical appearance and condition of the victim at the time of the alleged crime.</p> <p>(3) Breach of duty by victim counselor or victim counseling program. As to a communication relevant to an issue of breach of duty by the victim counselor or victim counseling program to the victim.</p> <p>(4) Mandatory reporting. To relieve victim counselors of any duty to refuse to report child abuse or neglect under chapter 350, domestic abuse under chapter 586, or abuse of a vulnerable adult under part X of chapter 346, and to refuse to provide evidence in child abuse proceedings under chapter 587A.</p> <p>(5) Proceedings for hospitalization. For communications relevant to an issue in proceedings to hospitalize the victim for mental illness or substance abuse, or in proceedings for the discharge or release of a victim previously hospitalized for mental illness or substance abuse.</p> <p>(6) Examination by order of court. If the court orders an examination of the physical, mental, or emotional condition of a victim, whether a party or a witness, communications made in the course thereof are not privileged under this rule with respect to the particular purpose of which the examination is ordered unless the court orders otherwise.</p> <p>(7) Condition an element of claim or defense. As to a communication relevant to the physical, mental, or emotional condition of the victim in any proceeding in which the victim relies upon the condition as an element of the victim's claim or defense or, after the victim's death, in any proceeding in which any party relies upon the condition as an element of the party's claim or defense.</p> <p>(8) Proceedings against the victim counselor. In any administrative or judicial proceeding in which the competency or practice of the victim counselor or of the victim counseling program is at issue, provided that the identifying data of the victims whose records are admitted into evidence shall be kept confidential unless waived by the victim. The administrative agency, board or commission shall close to the public any portion of a proceeding, as necessary to protect the confidentiality of the victim.</p>
IDAHO	No Statute
ILLINOIS	<p style="text-align: center;"><b>750 ILCS 60/227</b>  <b>[Prior to 1/1/93 cited as: Ill. Rev. Stat., Ch. 40, para. 2312-27]</b></p> <p><b>§ 750 ILCS 60/227. Privileged communications between domestic violence counselors and victims</b></p> <p>(a) As used in this Section:</p> <p>(1) “Domestic violence program” means any unit of local government, organization, or association whose major purpose is to provide one or more of the following: information, crisis intervention, emergency shelter, referral, counseling, advocacy, or emotional support to victims of domestic violence.</p> <p>(2) “Domestic violence advocate or counselor” means any person (A) who has undergone a minimum of forty hours of training in domestic violence advocacy, crisis intervention, and related areas, and (B) who provides services to victims through a domestic violence program either on an employed or volunteer basis.</p> <p>(3) “Confidential communication” means any communication between an alleged victim of domestic violence and a domestic violence advocate or counselor in the course of providing information, counseling, or advocacy. The term includes all records kept by the advocate or counselor or by the domestic violence program in the course of providing services to an alleged victim concerning the alleged victim and the services provided. The confidential nature of the communication is not waived by the presence at the time of the communication of any additional persons, including but not limited to an interpreter, to further express the interests of the domestic violence victim or by the advocate’s or counselor’s disclosure to such an additional person with the consent of the victim</p>



STATE	STATUTE
	<p>when reasonably necessary to accomplish the purpose for which the advocate or counselor is consulted.</p> <p>(4) “Domestic violence victim” means any person who consults a domestic violence counselor for the purpose of securing advice, counseling or assistance related to one or more alleged incidents of domestic violence.</p> <p>(5) “Domestic violence” means abuse as defined in the Illinois Domestic Violence Act [750 ILCS 60/101 et seq.].</p> <p>(b) No domestic violence advocate or counselor shall disclose any confidential communication or be examined as a witness in any civil or criminal case or proceeding or in any legislative or administrative proceeding without the written consent of the domestic violence victim except (1) in accordance with the provisions of the Abused and Neglected Child Reporting Act [325 ILCS 5/1 et seq.] or (2) in cases where failure to disclose is likely to result in an imminent risk of serious bodily harm or death of the victim or another person.</p> <p>(c) A domestic violence advocate or counselor who knowingly discloses any confidential communication in violation of this Act commits a Class A misdemeanor.</p> <p>(d) When a domestic violence victim is deceased or has been adjudged incompetent by a court of competent jurisdiction, the guardian of the domestic violence victim or the executor or administrator of the estate of the domestic violence victim may waive the privilege established by this Section, except where the guardian, executor or administrator of the estate has been charged with a violent crime against the domestic violence victim or has had an Order of Protection entered against him or her at the request of or on behalf of the domestic violence victim or otherwise has an interest adverse to that of the domestic violence victim with respect to the waiver of the privilege. In that case, the court shall appoint an attorney for the estate of the domestic violence victim.</p> <p>(e) A minor may knowingly waive the privilege established by this Section. Where a minor is, in the opinion of the court, incapable of knowingly waiving the privilege, the parent or guardian of the minor may waive the privilege on behalf of the minor, except where such parent or guardian has been charged with a violent crime against the minor or has had an Order of Protection entered against him or her on request of or on behalf of the minor or otherwise has any interest adverse to that of the minor with respect to the waiver of the privilege. In that case, the court shall appoint an attorney for the minor child who shall be compensated in accordance with Section 506 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/506].</p> <p>(f) Nothing in this Section shall be construed to limit in any way any privilege that might otherwise exist under statute or common law.</p> <p>(g) The assertion of any privilege under this Section shall not result in an inference unfavorable to the State’s cause or to the cause of the domestic violence victim.</p>
INDIANA	<p style="text-align: center;"><b>Burns Ind. Code Ann. § 35-37-6-9</b></p> <p><b>35-37-6-9. Testimonial privileges.</b></p> <p>(a) The following persons or entities may not be compelled to give testimony, to produce records, or to disclose any information concerning confidential communications and confidential information to anyone or in any judicial, legislative, or administrative proceeding:</p> <p>(1) A victim.</p> <p>(2) A victim advocate or victim service provider unless the victim specifically consents to the disclosure in a written authorization that contains the date the consent expires.</p> <p>(b) A victim advocate, victim service provider, or victim may not be compelled to provide testimony in any judicial, legislative, or administrative proceeding that would identify the name, address, location, or telephone number of any facility that provided temporary emergency shelter to the victim of the offense or transaction that is the subject of the proceeding unless the facility is a party to the proceeding.</p> <p>(c) A victim service provider or victim advocate may not require a victim to consent to the disclosure of information concerning confidential communications and confidential information as a condition of the victim receiving services.</p>

STATE	STATUTE
	<p>(d) This section does not prohibit a victim from providing testimony concerning an offense.</p> <p>(e) The consent to disclose information on behalf of:</p> <ol style="list-style-type: none"> <li>(1) a child who is less than eighteen (18) years of age and is unemancipated; or</li> <li>(2) an incapacitated victim;</li> </ol> <p>may be made by a custodial parent, custodian, guardian, or guardian ad litem in a written authorization that contains the date the consent expires.</p> <p>(f) A consent under subsection (e) may not be given by a custodial parent, custodian, guardian, or guardian ad litem of the victim if the custodial parent, custodian, guardian, or guardian ad litem:</p> <ol style="list-style-type: none"> <li>(1) committed; or</li> <li>(2) is alleged to have committed; an offense against the victim.</li> </ol>
IOWA	<p style="text-align: center;"><b>Iowa Code § 915.20A</b></p> <p><b>915.20A Victim counselor privilege.</b></p> <p><b>1.</b> As used in this section:</p> <ol style="list-style-type: none"> <li><b>a.</b> “Confidential communication” means information shared between a crime victim and a victim counselor within the counseling relationship, and includes all information received by the counselor and any advice, report, or working paper given to or prepared by the counselor in the course of the counseling relationship with the victim. “Confidential information” is confidential information which, so far as the victim is aware, is not disclosed to a third party with the exception of a person present in the consultation for the purpose of furthering the interest of the victim, a person to whom disclosure is reasonably necessary for the transmission of the information, or a person with whom disclosure is necessary for accomplishment of the purpose for which the counselor is consulted by the victim.</li> <li><b>b.</b> “Crime victim center” means any office, institution, agency, or crisis center offering assistance to victims of crime and their families through crisis intervention, accompaniment during medical and legal proceedings, and follow-up counseling.</li> <li><b>c.</b> “Victim” means a person who consults a victim counselor for the purpose of securing advice, counseling, or assistance concerning a mental, physical, or emotional condition caused by a violent crime committed against the person.</li> <li><b>d.</b> “Victim counselor” means a person who is engaged in a crime victim center, is certified as a counselor by the crime victim center, and is under the control of a direct services supervisor of a crime victim center, whose primary purpose is the rendering of advice, counseling, and assistance to the victims of crime. To qualify as a “victim counselor” under this section, the person must also have completed at least twenty hours of training provided by the center in which the person is engaged, by the Iowa organization of victim assistance, by the Iowa coalition against sexual assault, or by the Iowa coalition against domestic violence, which shall include but not be limited to, the dynamics of victimization, substantive laws relating to violent crime, sexual assault, and domestic violence, crisis intervention techniques, communication skills, working with diverse populations, an overview of the state criminal justice system, information regarding pertinent hospital procedures, and information regarding state and community resources for victims of crime.</li> </ol> <p><b>2.</b> A victim counselor shall not be examined or required to give evidence in any civil or criminal proceeding as to any confidential communication made by a victim to the counselor, nor shall a clerk, secretary, stenographer, or any other employee who types or otherwise prepares or manages the confidential reports or working papers of a victim counselor be required to produce evidence of any such confidential communication, unless the victim waives this privilege in writing or disclosure of the information is compelled by a court pursuant to subsection 7. Under no circumstances shall the location of a crime victim center or the identity of the victim counselor be disclosed in any civil or criminal proceeding.</p> <p><b>3.</b> If a victim is deceased or has been declared to be incompetent, this privilege specified in subsection 2 may be waived by the guardian of the victim or by the personal representative of the victim’s estate.</p> <p><b>4.</b> A minor may waive the privilege under this section unless, in the opinion of the court, the minor is incapable of knowingly and intelligently waiving the</p>

STATE	STATUTE
	<p>privilege, in which case the parent or guardian of the minor may waive the privilege on the minor’s behalf if the parent or guardian is not the defendant and does not have such a relationship with the defendant that the parent or guardian has an interest in the outcome of the proceeding being favorable to the defendant.</p> <p><b>5.</b> The privilege under this section does not apply in matters of proof concerning the chain of custody of evidence, in matters of proof concerning the physical appearance of the victim at the time of the injury or the counselor’s first contact with the victim after the injury, or where the counselor has reason to believe that the victim has given perjured testimony and the defendant or the state has made an offer of proof that perjury may have been committed.</p> <p><b>6.</b> The failure of a counselor to testify due to this section shall not give rise to an inference unfavorable to the cause of the state or the cause of the defendant.</p> <p><b>7.</b> Upon the motion of a party, accompanied by a written offer of proof, a court may compel disclosure of certain information if the court determines that all of the following conditions are met:</p> <ul style="list-style-type: none"> <li><b>a.</b> The information sought is relevant and material evidence of the facts and circumstances involved in an alleged criminal act which is the subject of a criminal proceeding.</li> <li><b>b.</b> The probative value of the information outweighs the harmful effect, if any, of disclosure on the victim, the counseling relationship, and the treatment services.</li> <li><b>c.</b> The information cannot be obtained by reasonable means from any other source.</li> </ul> <p><b>8.</b> In ruling on a motion under subsection 7, the court, or a different judge, if the motion was filed in a criminal proceeding to be tried to the court, shall adhere to the following procedure:</p> <ul style="list-style-type: none"> <li><b>a.</b> The court may require the counselor from whom disclosure is sought or the victim claiming the privilege, or both, to disclose the information in chambers out of the presence and hearing of all persons except the victim and any other persons the victim is willing to have present.</li> <li><b>b.</b> If the court determines that the information is privileged and not subject to compelled disclosure, the information shall not be disclosed by any person without the consent of the victim.</li> <li><b>c.</b> If the court determines that certain information may be subject to disclosure, as provided in subsection 7, the court shall so inform the party seeking the information and shall order a subsequent hearing out of the presence of the jury, if any, at which the parties shall be allowed to examine the counselor regarding the information which the court has determined may be subject to disclosure. The court may accept other evidence at that time.</li> <li><b>d.</b> At the conclusion of a hearing under paragraph “c”, the court shall determine which information, if any, shall be disclosed and may enter an order describing the evidence which may be introduced by the moving party and prescribing the line of questioning which may be permitted. The moving party may then offer evidence pursuant to the court order. However, no victim counselor is subject to exclusion under rule of evidence 5.615.</li> </ul> <p><b>9.</b> This section does not relate to the admission of evidence of the victim’s past sexual behavior which is strictly subject to rule of evidence 5.412.</p>
<b>KANSAS</b>	No Statute
<b>KENTUCKY</b>	<p style="text-align: center;"><b>KRE Rule 506</b></p> <p><b>Rule 506. Counselor-client privilege.</b></p> <p><b>(a) Definitions.</b> As used in this rule:</p> <ul style="list-style-type: none"> <li><b>(1)</b> A "counselor" includes: <ul style="list-style-type: none"> <li><b>(A)</b> A certified school counselor who meets the requirements of the Kentucky Board of Education and who is duly appointed and regularly employed for the purpose of counseling in a public or private school of this state;</li> <li><b>(B)</b> A sexual assault counselor, who is a person engaged in a rape crisis center, as defined in KRS Chapter 421, who has undergone forty (40) hours of training and is under the control of a direct services supervisor of a rape crisis center, whose primary purpose is the rendering of advice, counseling, or assistance to victims of sexual assault;</li> <li><b>(C)</b> A certified professional art therapist who is engaged to conduct art therapy under KRS 309.130 to 309.1399;</li> </ul> </li> </ul>

STATE	STATUTE
	<p>(D) A licensed marriage and family therapist as defined in KRS 335.300 who is engaged to conduct marriage and family therapy pursuant to KRS 335.300 to 335.399;</p> <p>(E) A licensed professional clinical counselor or a licensed professional counselor associate as defined in KRS 335.500;</p> <p>(F) An individual who provides crisis response services as a member of the community crisis response team or local community crisis response team under KRS 36.250 to 36.270;</p> <p>(G) A victim advocate as defined in KRS 421.570 except a victim advocate who is employed by a Commonwealth's attorney under KRS 15.760 or a county attorney pursuant to KRS 69.350; and</p> <p>(H) A certified fee-based pastoral counselor as defined in KRS 335.600 who is engaged to conduct fee-based pastoral counseling under KRS 335.600 to 335.699.</p> <p>(2) A "client" is a person who consults or is interviewed or assisted by a counselor for the purpose of obtaining professional or crisis response services from the counselor.</p> <p>(3) A communication is "confidential" if it is not intended to be disclosed to third persons, except persons present to further the interest of the client in the consultation or interview, persons reasonably necessary for the transmission of the communication, or persons present during the communication at the direction of the counselor, including members of the client's family.</p> <p><b>(b) General rule of privilege.</b> A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of counseling the client, between himself, his counselor, and persons present at the direction of the counselor, including members of the client's family.</p> <p><b>(c) Who may claim the privilege.</b> The privilege may be claimed by the client, his guardian or conservator, or the personal representative of a deceased client. The person who was the counselor (or that person's employer) may claim the privilege in the absence of the client, but only on behalf of the client.</p> <p><b>(d) Exceptions.</b> There is no privilege under this rule for any relevant communication:</p> <p>(1) If the client is asserting his physical, mental, or emotional condition as an element of a claim or defense; or, after the client's death, in any proceeding in which any party relies upon the condition as an element of a claim or defense.</p> <p>(2) If the judge finds:</p> <p>(A) That the substance of the communication is relevant to an essential issue in the case;</p> <p>(B) That there are no available alternate means to obtain the substantial equivalent of the communication; and</p> <p>(C) That the need for the information outweighs the interest protected by the privilege. The court may receive evidence in camera to make findings under this rule.</p> <p style="text-align: center;"><b>KRS § 421.570</b></p> <p><b>§ 421.570. Training requirement for victim advocates -- Prohibition against practicing law.</b></p> <p>(1) For the purposes of this section and KRS 421.575, "victim advocate" means an individual at least eighteen (18) years of age and of good moral character, who is employed by, or serves as a volunteer for, a public or private agency, organization, or official to counsel and assist crime victims as defined in KRS 421.500, and includes a victim advocate employed by a Commonwealth's attorney pursuant to KRS 15.760 and a victim advocate employed by a county attorney pursuant to KRS 69.350.</p> <p>(2) Each victim advocate shall complete training which shall include information concerning the difference between advocacy and the practice of law, and the appropriate intervention with crime victims, including victims of domestic violence, child physical and sexual abuse, human trafficking, and rape.</p> <p>(3) A victim advocate shall not engage in the practice of law as defined in KRS 524.130.</p>
LOUISIANA	La. R.S. 46:2124.1

STATE	STATUTE
	<p><b>§ 46:2124.1. Privileged communications and records.</b></p> <p><b>A.</b> As used in this Section, the following terms shall have the following meanings:</p> <p>(1) “Community shelter” means a community shelter or other program established in accordance with R.S. 46:2124.</p> <p>(2) “Privileged communication” means a communication made to a representative or employee of a community shelter by a victim. It also means a communication not otherwise privileged made by a representative or employee of a community shelter to a victim in the course of rendering services authorized by R.S. 46:2124.</p> <p>(3) “Victim” means a victim or potential victim of an act of family or domestic violence and his or her children.</p> <p><b>B.</b> Except as provided in Subsection D, no person shall be required to disclose, by way of testimony or otherwise, a privileged communication or to produce, under subpoena, any records, documentary evidence, opinions, or decisions relating to such privileged communication:</p> <p>(1) In connection with any civil or criminal case or proceeding.</p> <p>(2) By way of any discovery procedure.</p> <p><b>C.</b> The records relating to a privileged communication kept by a community shelter or other agency or department shall not be public records. Such records may be used for the compilation of statistical data if the identity of the victim or the contents of any privileged communication are not disclosed.</p> <p><b>D.</b> The prosecuting attorney or any person who is a party in a civil proceeding or who has been arrested or charged with a criminal offense may petition the court for an in-camera inspection of the records of a privileged communication concerning such person. The petition shall allege facts showing that such records would provide admissible evidence favorable to the person and, in criminal proceedings, are relevant to the issue of guilt or punishment and shall be verified. If the court determines that the person is entitled to all or any part of such records, it may order production and disclosure as it deems appropriate.</p>
MAINE	<p style="text-align: center;"><b>16 M.R.S. § 53-A</b></p> <p><b>§ 53-A. Privileged communications to sexual assault counselors.</b></p> <p><b>1. Definitions.</b> As used in this section, unless the context otherwise indicates, the following terms have the following meanings.</p> <p><b>A.</b> Rape crisis center. “Rape crisis center” means any publicly or privately funded agency, institution or facility existing in this State, having as its purpose to reduce the trauma of sexual assault to sexual assault victims and their families through crisis intervention, counseling, medical and legal information and dissemination of educational information pertaining to sexual assault.</p> <p><b>B.</b> Sexual assault counselor. “Sexual assault counselor” means a person who has:</p> <p>1) Undergone a program of training from a rape crisis center which shall include, but not be limited to: Law, medicine, societal attitudes, crisis intervention, counseling techniques and referral services; and</p> <p>2) Is either a staff member, paid or unpaid, or under the supervision of a staff member of a rape crisis center.</p> <p><b>C.</b> “Confidential criminal history record information” has the same meaning as in section 703, subsection 2.</p> <p><b>D.</b> “Criminal justice agency” has the same meaning as in section 703, subsection 4.</p> <p><b>2. Privileged Communications.</b> Except with regard to reporting, cooperating in an investigation or giving evidence pursuant to Title 22, chapter 958-A or 1071, or except at the request, or with the consent of, the victim of sexual assault, a sexual assault counselor may not be required to testify in any civil or criminal action, suit or proceeding at law or in equity about any information that the sexual assault counselor may have acquired in providing sexual assault counseling services. A sexual assault counselor or a rape crisis center may not be required to disclose to the court any records, notes, memoranda or documents containing confidential communications. When a court in the exercise of sound discretion determines the disclosure necessary to the proper administration of justice, information communicated to, or otherwise learned by, that sexual assault counselor in connection with the provision of sexual assault counseling services is not privileged and disclosure may be required.</p> <p><b>3. Confidential Criminal History Record Information.</b> A Maine criminal justice agency, whether directly or through any intermediary, may disseminate confidential criminal history record information to a sexual assault counselor for the purpose of planning for the safety of a victim of sexual assault. A sexual</p>

STATE	STATUTE
	<p>assault counselor who receives confidential criminal history record information pursuant to this subsection shall use it solely for the purpose authorized by this subsection and may not further disseminate the information.</p> <p style="text-align: center;"><b>16 M.R.S. § 53-B</b></p> <p><b>§ 53-B. Privileged communications to victim advocate; family violence.</b></p> <p><b>1. Definitions.</b> As used in this section, unless the context otherwise indicates, the following terms have the following meanings.</p> <p style="padding-left: 20px;"><b>A.</b> “Advocate” means an employee of or volunteer for a nongovernmental or Maine tribal program for victims of domestic or family violence who:</p> <p style="padding-left: 40px;">1) Has undergone at least 30 hours of training; and</p> <p style="padding-left: 40px;">2) As a primary function with the program gives advice to, counsels or assists victims, supervises employees or volunteers who perform that function or administers the program.</p> <p style="padding-left: 20px;"><b>A-1.</b> “Confidential communications” means all information, whether written or oral, transmitted between a victim and a domestic violence advocate in the course of the working relationship. “Confidential communications” includes, but is not limited to, information received or given by the advocate in the course of the working relationship, advice, records, reports, notes, memoranda, working papers, electronic communications, case files, history and statistical data, including name, date of birth and social security number, that personally identify the victim.</p> <p style="padding-left: 20px;"><b>A-2.</b> “Confidential criminal history record information” has the same meaning as in section 703, subsection 2.</p> <p style="padding-left: 20px;"><b>A-3.</b> “Criminal justice agency” has the same meaning as in section 703, subsection 4.</p> <p style="padding-left: 20px;"><b>B.</b> “Victim” means a victim of domestic or family violence.</p> <p><b>1-A. Confidential Criminal History Record Information.</b> A Maine criminal justice agency, whether directly or through any intermediary, may disseminate confidential criminal history record information to an advocate for the purpose of planning for the safety of a victim of domestic violence. An advocate who receives confidential criminal history record information pursuant to this subsection shall use it solely for the purpose authorized by this subsection and may not further disseminate the information.</p> <p style="padding-left: 20px;"><b>2. Privileged Communication.</b> Communications are privileged from disclosure as follows.</p> <p style="padding-left: 40px;"><b>A.</b> A victim may refuse to disclose and may deny permission to an advocate to disclose confidential written or oral communications between the victim and the advocate and written records, notes, memoranda or reports concerning the victim.</p> <p style="padding-left: 40px;"><b>B.</b> Except as provided in subsection 3, a victim, advocate or advocate’s agency may not be required through oral or written testimony or through production of documents to disclose to a court in criminal or civil proceedings or to any other agency or person confidential communications between the victim and the advocate.</p> <p><b>3. Exceptions.</b> A person may not be required to publicly disclose the address or location of a domestic or family violence shelter or safe house, except that privileged communications may be disclosed in the following cases:</p> <p style="padding-left: 40px;"><b>A.</b> When disclosure is required under Title 22, chapter 958-A or 1071 and that disclosure is in accordance with the provisions of either chapter;</p> <p style="padding-left: 40px;"><b>B.</b> When a court in the exercise of its discretion determines the disclosure of the information necessary to the proper administration of justice, an inspection of records may be held in camera by the judge to determine whether those records contain relevant information. This proceeding does not entitle an opposing party to examine the records unless those records are made available by the court; or</p> <p style="padding-left: 40px;"><b>C.</b> When a victim dies or is incapable of giving consent and disclosure is required for an official law enforcement investigation or criminal proceeding regarding the cause of that victim’s death or incapacitation.</p>
MARYLAND	No Statute
MASSACHUSETTS	<p style="text-align: center;"><b>ALM GL ch. 233, § 20J</b></p> <p><b>§ 20J. Privileged Communications between Sexual Assault Victim and Certain Counselors.</b></p> <p>As used in this section the following words, unless the context clearly requires otherwise, shall have the following meaning:—</p>

STATE	STATUTE
	<p>“Rape crisis center”, any office, institution or center offering assistance to victims of sexual assault and the families of such victims through crisis intervention, medical and legal counseling.</p> <p>“Sexual assault counsellor”, a person who is employed by or is a volunteer in a rape crisis center, has undergone thirty–five hours of training, who reports to and is under the direct control and supervision of a licensed social worker, nurse, psychiatrist, psychologist or psychotherapist and whose primary purpose is the rendering of advice, counseling or assistance to victims of sexual assault.</p> <p>“Victim”, a person who has suffered a sexual assault and who consults a sexual assault counsellor for the purpose of securing advice, counseling or assistance concerning a mental, physical or emotional condition caused by such sexual assault.</p> <p>“Confidential communication”, information transmitted in confidence by and between a victim of sexual assault and a sexual assault counsellor by a means which does not disclose the information to a person other than a person present for the benefit of the victim, or to those to whom disclosure of such information is reasonably necessary to the counseling and assisting of such victim. The term includes all information received by the sexual assault counsellor which arises out of and in the course of such counseling and assisting, including, but not limited to reports, records, working papers or memoranda.</p> <p>A sexual assault counsellor shall not disclose such confidential communication, without the prior written consent of the victim; provided, however, that nothing in this chapter shall be construed to limit the defendant’s right of cross–examination of such counsellor in a civil or criminal proceeding if such counsellor testifies with such written consent.</p> <p>Such confidential communications shall not be subject to discovery and shall be inadmissible in any criminal or civil proceeding without the prior written consent of the victim to whom the report, record, working paper or memorandum relates.</p>
MICHIGAN	<p style="text-align: center;"><b>MCLS § 600.2157a</b></p> <p><b>§ 600.2157a. Definitions; consultation between victim and sexual assault or domestic violence counselor; admissibility.</b></p> <p>(1) For purposes of this section:</p> <p>(a) “Confidential communication” means information transmitted between a victim and a sexual assault or domestic violence counselor, or between a victim or sexual assault or domestic violence counselor and any other person to whom disclosure is reasonably necessary to further the interests of the victim, in connection with the rendering of advice, counseling, or other assistance by the sexual assault or domestic violence counselor to the victim.</p> <p>(b) “Domestic violence” means that term as defined in section 1501 of Act No. 389 of the Public Acts of 1978, being section 400.1501 of the Michigan Compiled Laws.</p> <p>(c) “Sexual assault” means assault with intent to commit criminal sexual conduct.</p> <p>(d) “Sexual assault or domestic violence counselor” means a person who is employed at or who volunteers service at a sexual assault or domestic violence crisis center, and who in that capacity provides advice, counseling, or other assistance to victims of sexual assault or domestic violence and their families.</p> <p>(e) “Sexual assault or domestic violence crisis center” means an office, institution, agency, or center which offers assistance to victims of sexual assault or domestic violence and their families through crisis intervention and counseling.</p> <p>(f) “Victim” means a person who was or who alleges to have been the subject of a sexual assault or of domestic violence.</p> <p>(2) Except as provided by section 11 of the child protection law, Act No. 238 of the Public Acts of 1975, being section 722.631 of the Michigan Compiled Laws, 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.</p>
MINNESOTA	<p style="text-align: center;"><b>Minn. Stat. § 595.02</b></p> <p><b>595.02 Testimony of Witness.</b></p> <p>(k) Sexual assault counselors may not be allowed to disclose any opinion or information received from or about the victim without the consent of the victim. However, a counselor may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if</p>

STATE	STATUTE
	<p>the court determines good cause exists. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from compliance with the provisions of sections 626.556 and 626.557. “Sexual assault counselor” for the purpose of this section means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or assistance to victims of sexual assault.</p> <p>(1) A domestic abuse advocate may not be compelled to disclose any opinion or information received from or about the victim without the consent of the victim unless ordered by the court. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the relationship between the victim and domestic abuse advocate, and the services if disclosure occurs. Nothing in this paragraph exempts domestic abuse advocates from compliance with the provisions of sections 626.556 and 626.557. For the purposes of this section, “domestic abuse advocate” means an employee or supervised volunteer from a community-based battered women’s shelter and domestic abuse program eligible to receive grants under section 611A.32; that provides information, advocacy, crisis intervention, emergency shelter, or support to victims of domestic abuse and who is not employed by or under the direct supervision of a law enforcement agency, a prosecutor’s office, or by a city, county, or state agency.</p>
MISSISSIPPI	No Statute
MISSOURI	<p style="text-align: center;"><b>§ 455.220 R.S.Mo.</b></p> <p><b>§ 455.220. Requirements for shelter to qualify for funds.</b></p> <p>1. To qualify for funds allocated and distributed pursuant to section 455.215 a shelter shall meet all of the following requirements:</p> <ul style="list-style-type: none"> <li>(1) Be incorporated in the state as a nonprofit corporation;</li> <li>(2) Have trustees who represent the racial, ethnic and socioeconomic diversity of the community to be served, at least one of whom must possess personal experience in confronting or mitigating the problems of domestic violence;</li> <li>(3) Receive at least twenty-five percent of its funds from sources other than funds distributed pursuant to section 455.215. These other sources may be public or private and may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal services;</li> <li>(4) Provide residential service or facilities for children when accompanied by a parent, guardian, or custodian who is a victim of domestic violence and who is receiving temporary residential service at the shelter;</li> <li>(5) Require persons employed by or volunteering services to the shelter 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;</li> <li>(6) Prior to providing any advocacy services, inform individuals served by the shelter of the nature and scope of the confidentiality requirement in subdivision (5) of this subsection.</li> </ul> <p>2. Any person employed by or volunteering services to a shelter for victims of domestic violence shall be incompetent to testify concerning any confidential information described in subdivision (5) of subsection 1 of this section, unless the confidentiality requirement is waived in writing by the individual served by the shelter.</p> <p>3. A shelter does not qualify for funds if it discriminates in its admissions or provision of services on the basis of race, religion, color, age, marital status, national origin, or ancestry.</p>
MONTANA	<p style="text-align: center;"><b>26-1-812, MCA</b></p> <p><b>26-1-812 Advocate privilege.</b></p> <p>(1) Unless a report is otherwise required by law, an advocate may not, without consent of the victim, be examined as to any communication made to the advocate by a victim and may not divulge records kept during the course of providing shelter, counseling, or crisis intervention services.</p> <p>(2) This privilege belongs to the victim and may not be waived, except by express consent. The privilege continues even if the victim is unreachable. Consent</p>



STATE	STATUTE
	<p>may not be implied because the victim is a party to a divorce or custody proceeding. The privilege terminates upon the death of the victim.</p> <p>(3) For purposes of this section, the following definitions apply:</p> <p>(a) “Advocate” means an employee or volunteer of a domestic violence shelter, crisis line, or victim’s services provider that provides services for victims of sexual assault, stalking, or any assault on a partner or family member.</p> <p>(b) “Victim” means a person seeking assistance because of partner or family member assault, any sexual assault, or stalking, whether or not the victim seeks or receives services within the criminal justice system.</p>
NEBRASKA	<p style="text-align: center;"><b>R.R.S. Neb. § 29-4303</b></p> <p><b>§ 29-4303. Confidential communications; disclosure; when</b></p> <p>(1) A victim, an advocate without the consent of the victim, a third party as described in subdivision (3) of section 29-4302 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, 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, except as follows:</p> <p>(a) The party seeking disclosure of a confidential communication shall, in a criminal, civil, or administrative proceeding, 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</p> <p>(b) If the party seeking disclosure has complied with subdivision (a) of this subsection, 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.</p> <p>(2) An advocate, a victim, or a third party as described in subdivision (3) of section 29-4302 cannot be compelled to provide testimony in any criminal, civil, legislative, administrative, or other proceeding that would identify the name, address, location, or telephone number of a safe house, abuse shelter, or other facility that provided temporary emergency shelter to the victim of the offense that is the subject of the proceeding unless the facility is a party to the proceeding.</p> <p style="text-align: center;"><b>R.R.S. Neb. § 29-4304</b></p> <p><b>§ 29-4304. Confidential communications; waiver; sections, how construed.</b></p> <p>(1) A victim does not waive the protections afforded by sections 29-4301 to 29-4304 by testifying in court about the offense, except that:</p> <p>(a) If the victim partially discloses the contents of a confidential communication in the course of testifying, then either party may request the court to rule that justice requires the protections afforded by sections 29-4301 to 29-4304 be waived to the extent the protections apply to that portion of the confidential communication; and</p> <p>(b) Any waiver shall apply only to the extent necessary to require any witness to respond to counsel’s questions concerning a confidential communication that is relevant to the case.</p> <p>(2) An advocate cannot waive the protections afforded a victim under sections 29-4301 to 29-4304. However, if a victim brings suit against an advocate or the agency, business, or organization in which the advocate was employed or served as a volunteer at the time of the advocacy relationship, the advocate may testify or produce records regarding confidential communications with the victim and is not in violation of sections 29-4301 to 29-4304.</p> <p>(3) Sections 29-4301 to 29-4304 shall not relieve an advocate of any duty to report suspected adult abuse or neglect as required by section 28-372 or suspected child abuse or neglect as required by section 28-711 or any other legal duty to report a criminal or unlawful act.</p> <p>(4) Sections 29-4301 to 29-4304 shall not be construed to limit any other testimonial privilege available to any person under the laws of this state.</p>

STATE	STATUTE
	<p style="text-align: center;"><b>R.R.S. Neb. § 42-918</b></p> <p><b>§ 42-918. Contact with victims of spouse abuse and families; confidentiality; violation; penalty.</b> Under the Protection from Domestic Abuse Act, strict confidence shall be observed in all contact with victims of spouse abuse and their families. Any record, report, or files maintained by the department pursuant to the act shall be confidential, except that the department may release statistical information, while not revealing names. Violation of this section shall be a Class V misdemeanor.</p>
NEVADA	<p style="text-align: center;"><b>Nev. Rev. Stat. Ann. § 49.2546</b></p> <p><b>§ 49.2546. When communication deemed to be confidential; "communication" defined.</b></p> <p>1. A communication shall be deemed to be confidential if the communication is between a victim and a victim's advocate and is not intended to be disclosed to third persons other than:</p> <ul style="list-style-type: none"> <li>(a) A person who is present to further the interest of the victim;</li> <li>(b) A person reasonably necessary for the transmission of the communication; or</li> <li>(c) A person who is participating in the advice, counseling or assistance of the victim, including, without limitation, a member of the victim's family.</li> </ul> <p>2. As used in this section, "communication" includes, without limitation, all records concerning the victim and the services provided to the victim which are within the possession of:</p> <ul style="list-style-type: none"> <li>(a) The victim's advocate; or</li> <li>(b) The nonprofit program for whom the victim's advocate works.</li> </ul> <p style="text-align: center;"><b>Nev. Rev. Stat. Ann. § 49.2545</b></p> <p><b>§ 49.2545. "Victim's advocate" defined.</b> "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.</p> <p style="text-align: center;"><b>Nev. Rev. Stat. Ann. § 49.2541</b></p> <p><b>§ 49.2541. Definitions.</b> As used in NRS 49.2541 to 49.2549, inclusive, and section 6 of this act, the words and terms defined in NRS 49.2542 to 49.2545, inclusive, and section 6 of this act have the meanings ascribed to them in those sections.</p>
NEW HAMPSHIRE	<p style="text-align: center;"><b>RSA 173-C:2</b></p> <p><b>173-C:2 Privilege.</b></p> <p><b>I.</b> 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.</p> <p><b>I-a.</b> The privilege and confidentiality under paragraph I shall extend to:</p> <ul style="list-style-type: none"> <li>(a) A third person present to assist communication with the victim.</li> <li>(b) A third person present to assist a victim who is physically challenged.</li> <li>(c) Co-participants in support group counseling of the victim.</li> </ul> <p><b>II.</b> Persons prevented from disclosing a confidential communication or record pursuant to paragraph I shall be exempt from the provisions of RSA 631:6.</p>

STATE	STATUTE
	<p style="text-align: center;"><b>RSA 173-C:1</b></p> <p><b>173-C:1 Definitions.</b> In this chapter:</p> <p><b>I.</b> “Confidential communication” means information transmitted between a victim, as defined in paragraph VI, of an alleged sexual assault, alleged domestic abuse, alleged sexual harassment, or alleged stalking, and a sexual assault or domestic violence counselor in the course of that relationship and in confidence by means which, so far as the victim is aware, does not disclose the information to a third person. The presence of an interpreter for the hearing impaired, a foreign language interpreter, or any other interpreter necessary for that communication to take place shall not affect the confidentiality of the communication nor shall it be deemed a waiver of the privilege. The term includes all information received by the sexual assault or domestic violence counselor in the course of that relationship.</p> <p><b>II.</b> “Domestic violence center” means any organization or agency which would qualify as a direct service grantee under RSA 173-B:21.</p> <p><b>III.</b> “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 which has been developed by a center as defined in RSA 173-C:1, II.</p> <p><b>IV.</b> “Rape crisis center” means any public or private agency, office, or center that primarily offers assistance to victims of sexual assault and their families and provides all the following services:</p> <ul style="list-style-type: none"> <li>(a) Crisis intervention to victims of sexual assault 24 hours per day.</li> <li>(b) Support services to victims of sexual assault by trained volunteers during the hospital examination, police investigation, and court proceedings.</li> <li>(c) Referral of victims of sexual assault to public and private agencies offering needed services.</li> <li>(d) The establishment of peer counseling services for the victims of sexual assault.</li> <li>(e) The development of training programs and the standardization of procedures for law enforcement, hospital, legal and social service personnel to enable them to respond appropriately to the needs of victims.</li> <li>(f) The coordination of services which are being provided by existing agencies.</li> <li>(g) Education of the public about the nature and scope of sexual assault and the services which are available.</li> <li>(h) Development of services to meet the needs of special populations, for example, children, the elderly, and minorities.</li> <li>(i) Court advocacy through the criminal justice system.</li> </ul> <p><b>V.</b> “Sexual assault counselor” means any person who is employed or appointed or who volunteers in a rape crisis center who renders support, counseling, or assistance to victims of sexual assault or attempted sexual assault, who has satisfactorily completed 30 hours of training in a bona fide program which has been developed by a rape crisis center as defined in RSA 173-C:1, IV.</p> <p><b>VI.</b> “Victim” means any person alleging sexual assault under RSA 632-A, domestic abuse as defined in RSA 173-B:1, stalking under RSA 633:3-a, or sexual harassment as defined under state or federal law, who consults a sexual assault counselor or a domestic violence counselor for the purpose of securing support, counseling or assistance concerning a mental, physical, emotional, legal, housing, medical, or financial problem caused by an alleged act of sexual assault or domestic abuse, stalking, or sexual harassment, or an alleged attempted sexual assault or domestic abuse.</p> <p style="text-align: center;"><b>RSA 173-C:3</b></p> <p><b>173-C:3 Assertion or Waiver of Privilege.</b> The privilege may be claimed or waived in all civil, administrative, and criminal legal proceedings, including discovery proceedings, by the following persons:</p> <ul style="list-style-type: none"> <li>(I) The victim or an attorney on the victim's behalf.</li> <li>(II) The guardian of the victim, if the victim has been found incompetent by a court of competent jurisdiction.</li> <li>(III) A minor victim who is emancipated, married, or over the age of 15, unless, in the opinion of the court, the minor is incapable of knowingly waiving the privilege. A guardian ad litem shall be appointed in all cases in which there is a potential conflict of interest between a victim under the age of 18</li> </ul>

STATE	STATUTE
	<p>and his parent or guardian.</p> <p style="text-align: center;"><b>RSA 173-C:4</b></p> <p><b>173-C:4 Partial Waiver.</b> Waiver as to a specific portion of communication between the victim and the counselor shall not constitute a waiver of the privilege as to other portions of the confidential communication between victim and counselor, relating to the alleged crime.</p> <p style="text-align: center;"><b>RSA 173-C:5</b></p> <p><b>173-C:5 Limitation on the Privilege; Criminal Proceedings.</b> In criminal proceedings when a defendant seeks information privileged under this chapter in discovery or at trial, the procedure below shall be followed:</p> <p><b>I.</b> A written pretrial motion shall be made by the defendant to the court stating that the defendant seeks discovery of records of a rape crisis center or domestic violence center or testimony of a sexual assault counselor or domestic violence counselor. The written motion shall be accompanied by an affidavit setting forth specific grounds as to why discovery is requested and showing that there is a substantial likelihood that favorable and admissible information would be obtained through discovery or testimony. No discovery or hearing shall occur pursuant to the information sought to be disclosed for at least 3 business days after the filing of a motion for disclosure.</p> <p><b>II.</b> The only information subject to discovery from the records of a rape crisis center or a domestic violence center or which may be elicited during the testimony of a sexual assault or domestic violence counselor are those statements of the victim which relate to the alleged crime being prosecuted in the instant trial.</p> <p><b>III.</b> Prior to admission of information at deposition, trial, or other legal proceeding, when a claim of privilege has been asserted and whether or not the information was obtained through discovery, the burden of proof shall be upon the defendant to establish by a preponderance of the evidence that:</p> <ul style="list-style-type: none"> <li>(a) The probative value of the information, in the context of the particular case, outweighs its prejudicial effect on the victim's emotional or physical recovery, privacy, or relationship with the counselor or the rape crisis or domestic violence center.</li> <li>(b) That the information sought is unavailable from any other source.</li> <li>(c) That there is a substantial probability that the failure to disclose that information will interfere with the defendant's right to confront the witnesses against him and his right to a fair trial.</li> </ul> <p><b>IV.</b> The trial court shall review each motion for disclosure of information on a case by case basis and determine on the totality of the circumstances that the information sought is or is not subject to the privilege established in RSA 173-C:2. In finding that the privilege shall not apply in a particular case, the trial court shall make written findings as to its reasons therefor.</p> <p><b>V.</b> The records and testimony of a rape crisis center or domestic violence center shall be disclosed solely to the trial judge to determine, as a matter of law, whether the information contained in the records or testimony is admissible under this chapter.</p> <p><b>VI.</b> That portion of any record and testimony of a rape crisis center or domestic violence center which is not disclosed to the defendant shall be preserved by the court under seal for appeal. For the purpose of preservation, a copy of the record shall be retained with the original released to the center. Costs of duplication shall be borne by the defendant.</p> <p><b>VII.</b> If, after disclosure of privileged information, the court upholds the privilege claim, the court shall impose a protective order against revealing any of the information without the consent of the person authorized to permit disclosure.</p>
NEW JERSEY	<p style="text-align: center;"><b>N.J. Stat. § 2A:84A-22.15</b></p> <p><b>§ 2A:84A-22.15. Victim counselor confidentiality privilege.</b> Subject to Rule 37 of the Rules of Evidence, a victim counselor has a privilege not to be 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. When a</p>

STATE	STATUTE
	<p>victim is incapacitated or deceased consent to disclosure may be given by the guardian, executor, or administrator except when the guardian, executor, or administrator is the defendant or has a relationship with the victim such that the guardian, executor, or administrator has an interest in the outcome of the proceeding. The privilege may be knowingly waived by a juvenile. In any instance where the juvenile is, in the opinion of the judge, incapable of knowing consent, the parent or guardian of the juvenile may waive the privilege on behalf of the juvenile, provided that the parent or guardian is not the defendant and does not have a relationship with the defendant such that he has an interest in the outcome of the proceeding. A victim counselor or a victim cannot be compelled to provide testimony in any civil or criminal proceeding that would identify the name, address, location, or telephone number of a domestic violence shelter or any other facility that provided temporary emergency shelter to the victim of the offense or transaction that is the subject of the proceeding unless the facility is a party to the proceeding.</p> <p style="text-align: center;"><b>N.J. Stat. § 2A:84A-22.14</b></p> <p><b>§ 2A:84A-22.14. Definitions</b> As used in this act:</p> <p><b>a.</b> “Act of violence” means the commission or attempt to commit any of the offenses set forth in subsection b. of section 11 of P.L. 1971, c. 317 (C. 52:4B-11).</p> <p><b>b.</b> “Confidential communication” means any information exchanged between a victim and a victim counselor in private or in the presence of a third party who is necessary to facilitate communication or further the counseling process and which is disclosed in the course of the counselor’s treatment of the victim for any emotional or psychological condition resulting from an act of violence. It includes any advice, report or working paper given or made in the course of the consultation and all information received by the victim counselor in the course of that relationship.</p> <p><b>c.</b> “Victim” means a person who consults a counselor for the purpose of securing advice, counseling or assistance concerning a mental, physical or emotional condition caused by an act of violence.</p> <p><b>d.</b> “Victim counseling center” means any office, institution, or center offering assistance to victims and their families through crisis intervention, medical and legal accompaniment and follow-up counseling.</p> <p><b>e.</b> “Victim counselor” means a person engaged in any office, institution or center defined as a victim counseling center by this act, 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. “Victim counselor” includes a rape care advocate as defined in section 4 of P.L. 2001, c. 81 (C. 52:4B-52).</p> <p style="text-align: center;"><b>N.J. Stat. § 2A:84A-22.16</b></p> <p><b>§ 2A:84A-22.16. Where disclosure required</b> Nothing in this act shall be deemed to prevent the disclosure to a defendant in a criminal action of statements or information given by a victim to a county victim-witness coordinator, where the disclosure of the statements or information is required by the Constitution of this State or of the United States.</p>
NEW MEXICO	<p style="text-align: center;"><b>N.M. Stat. Ann. § 31-25-3</b></p> <p><b>§ 31-25-3. Confidential communications; information; privileged</b></p> <p><b>A.</b> 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 shall not be compelled to provide testimony or to produce records concerning confidential communications for any purpose in any criminal action or other judicial, legislative or administrative proceeding.</p> <p><b>B.</b> A victim counselor or a victim shall not be compelled to provide testimony in any civil or criminal proceeding that would identify the name, address, location or telephone number of a safe house, abuse shelter or other facility that provided temporary emergency shelter to the victim of the offense or occurrence that is the subject of a judicial, legislative or administrative proceeding unless the facility is a party to the proceeding.</p>

STATE	STATUTE
	<p style="text-align: center;"><b>N.M. Stat. Ann. § 31-25-2</b></p> <p><b>§ 31-25-2. Definitions</b>  As used in the Victim Counselor Confidentiality Act [31-25-1 NMSA 1978]:</p> <p><b>A.</b> “confidential communication” means any information exchanged between a victim and a victim counselor in private or in the presence of a third party who is necessary to facilitate communication or further the counseling process and which is disclosed in the course of the counselor’s treatment of the victim for any emotional or psychological condition resulting from a sexual assault or family violence;</p> <p><b>B.</b> “victim” means a person who consults a victim counselor for assistance in overcoming adverse emotional or psychological effects of a sexual assault or family violence;</p> <p><b>C.</b> “victim counseling” means assessment, diagnosis and treatment to alleviate the adverse emotional or psychological impact of a sexual assault or family violence on the victim. Victim counseling includes crisis intervention;</p> <p><b>D.</b> “victim counseling center” means a private organization or unit of a government agency which has as one of its primary purposes the treatment of victims for any emotional or psychological condition resulting from a sexual assault or family violence; and</p> <p><b>E.</b> “victim counselor” means any employee or supervised volunteer of a victim counseling center or other agency, business or organization that provides counseling to victims who is not affiliated with a law enforcement agency or the office of a district attorney, has successfully completed forty hours of academic or other formal victim counseling training or has had a minimum of one year of experience in providing victim counseling and whose duties include victim counseling.</p> <p style="text-align: center;"><b>N.M. Stat. Ann. § 31-25-4</b></p> <p><b>§ 31-25-4. Waiver</b></p> <p><b>A.</b> A victim does not waive the protections afforded by the Victim Counselor Confidentiality Act [31-25-1 NMSA 1978] by testifying in court about the crime; provided that if the victim partially discloses the contents of a confidential communication in the course of his testimony, then either party to the action may request the court to rule that justice requires the protections of that act be waived to the extent they apply to that portion of the communication. Waiver shall apply only to the extent necessary to require any witness to respond to questions concerning the confidential communication that are relevant to the facts and circumstances of the case.</p> <p><b>B.</b> A victim counselor shall not have authority to waive the protections afforded to a victim under the Victim Counselor Confidentiality Act [31-25-1 NMSA 1978]; provided that if a victim brings suit against a victim counselor or the agency, business or organization in which the victim counselor was employed or served as a volunteer at the time of the counseling relationship and the suit alleges malpractice during the counseling relationship, the victim counselor may testify or produce records regarding confidential communications with the victim without liability for those actions.</p>

STATE	STATUTE
NEW YORK	<p style="text-align: center;"><b>NY CLS CPLR § 4510</b></p> <p><b>§ 4510. Rape crisis counselor</b></p> <p>(a) Definitions. When used in this section, the following terms shall have the following meanings:</p> <ol style="list-style-type: none"> <li>1. "Rape crisis program" means any office, institution or center which has been approved pursuant to subdivision fifteen of section two hundred six of the public health law, offering counseling and assistance to clients concerning sexual offenses, sexual abuses or incest.</li> <li>2. "Rape crisis counselor" means any person who has been certified by an approved rape crisis program as having satisfied the training standards specified in subdivision fifteen of section two hundred six of the public health law, and who, regardless of compensation, is acting under the direction and supervision of an approved rape crisis program.</li> <li>3. "Client" means any person who is seeking or receiving the services of a rape crisis counselor for the purpose of securing counseling or assistance concerning any sexual offenses, sexual abuse, incest or attempts to commit sexual offenses, sexual abuse, or incest, as defined in the penal law.</li> </ol> <p>(b) Confidential information privileged. A rape crisis counselor shall not be required to disclose a communication made by his or her client to him or her, or advice given thereon, in the course of his or her services nor shall any clerk, stenographer or other person working for the same program as the rape crisis counselor or for the rape crisis counselor be allowed to disclose any such communication or advice given thereon nor shall any records made in the course of the services given to the client or recording of any communications made by or to a client be required to be disclosed, nor shall the client be compelled to disclose such communication or records, except:</p> <ol style="list-style-type: none"> <li>1. that a rape crisis counselor may disclose such otherwise confidential communication to the extent authorized by the client;</li> <li>2. that a rape crisis counselor shall not be required to treat as confidential a communication by a client which reveals the intent to commit a crime or harmful act;</li> <li>3. in a case in which the client waives the privilege by instituting charges against the rape crisis counselor or the rape crisis program and such action or proceeding involves confidential communications between the client and the rape crisis counselor.</li> </ol> <p>(c) Who may waive the privilege. The privilege may only be waived by the client, the personal representative of a deceased client, or, in the case of a client who has been adjudicated incompetent or for whom a conservator has been appointed, the committee or conservator.</p> <p>(d) Limitation on waiver. A client who, for the purposes of obtaining compensation under article twenty-two of the executive law or insurance benefits, authorizes the disclosure of any privileged communication to an employee of the 1 <i>office of victim services</i> or an insurance representative shall not be deemed to have waived the privilege created by this section.</p>
NORTH CAROLINA	<p style="text-align: center;"><b>N.C. Gen. Stat. § 8-53.12</b></p> <p><b>§ 8-53.12. Communications with agents of rape crisis centers and domestic violence programs privileged</b></p> <p>(a) <b>Definitions.</b> – The following definitions apply in this section:</p> <ol style="list-style-type: none"> <li>(1) <b>Agent.</b> – An employee or agent of a center who has completed a minimum of 20 hours of training as required by the center, or a volunteer, under the direct supervision of a center supervisor, who has completed a minimum of 20 hours of training as required by the center.</li> <li>(2) <b>Center.</b> – A domestic violence program or rape crisis center.</li> <li>(3) <b>Domestic violence program.</b> – A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims.</li> <li>(4) <b>Domestic violence victim.</b> – Any person alleging domestic violence as defined by G.S. 50B-1, who consults an agent of a domestic violence program for the purpose of obtaining, for himself or herself, advice, counseling, or other services concerning mental, emotional, or physical injuries suffered as a result of the domestic violence. The term shall also include those persons who have a significant relationship with a victim of domestic violence and who have sought, for themselves, advice, counseling, or other services concerning a mental, physical, or emotional condition caused or reasonably believed to be caused by the domestic violence against the victim.</li> <li>(5) <b>Rape crisis center.</b> – Any publicly or privately funded agency, institution, organization, or facility that offers counseling and other services to victims of sexual assault and their families.</li> <li>(6) <b>Services.</b> – Includes, but is not limited to, crisis hotlines; safe homes and shelters; assessment and intake; children of violence services; individual counseling; support in medical, administrative, and judicial systems; transportation, relocation, and crisis intervention. The term does not include investigation of physical or sexual assault of children under the age of 16.</li> </ol>

STATE	STATUTE
	<p><b>(7) Sexual assault.</b> – Any alleged violation of G.S. 14-27.21, 14-27.22, 14-27.24, 14-27.25, 14-27.26, 14-27.27, 14-27.29, 14-27.30, 14-27.31, 14-27.32, or 14-202.1, whether or not a civil or criminal action arises as a result of the alleged violation.</p> <p><b>(8) Sexual assault victim.</b> – Any person alleging sexual assault, who consults an agent of a rape crisis center for the purpose of obtaining, for themselves, advice, counseling, or other services concerning mental, physical, or emotional injuries suffered as a result of sexual assault. The term shall also include those persons who have a significant relationship with a victim of sexual assault and who have sought, for themselves, advice, counseling, or other services concerning a mental, physical, or emotional condition caused or reasonably believed to be caused by sexual assault of a victim.</p> <p><b>(9) Victim.</b> – A sexual assault victim or a domestic violence victim.</p> <p><b>(b) Privileged Communications.</b> – No agent of a center shall be required to disclose any information which the agent acquired during the provision of services to a victim and which information was necessary to enable the agent to render the services; provided, however, that this subsection shall not apply where the victim waives the privilege conferred. Any resident or presiding judge in the district in which the action is pending shall compel disclosure, either at the trial or prior thereto, if the court finds, by a preponderance of the evidence, a good faith, specific and reasonable basis for believing that (i) the records or testimony sought contain information that is relevant and material to factual issues to be determined in a civil proceeding, or is relevant, material, and exculpatory upon the issue of guilt, degree of guilt, or sentencing in a criminal proceeding for the offense charged or any lesser included offense, (ii) the evidence is not sought merely for character impeachment purposes, and (iii) the evidence sought is not merely cumulative of other evidence or information available or already obtained by the party seeking the disclosure or the party's counsel. If the case is in district court, the judge shall be a district court judge, and if the case is in superior court, the judge shall be a superior court judge. Before requiring production of records, the court must find that the party seeking disclosure has made a sufficient showing that the records are likely to contain information subject to disclosure under this subsection. If the court finds a sufficient showing has been made, the court shall order that the records be produced for the court under seal, shall examine the records in camera, and may allow disclosure of those portions of the records which the court finds contain information subject to disclosure under this subsection. After all appeals in the action have been exhausted, any records received by the court under seal shall be returned to the center, unless otherwise ordered by the court. The privilege afforded under this subsection terminates upon the death of the victim.</p> <p><b>(c) Duty in Case of Abuse or Neglect.</b> – Nothing in this section shall be construed to relieve any person of any duty pertaining to abuse or neglect of a child or disabled adult as required by law.</p>
NORTH DAKOTA	<p style="text-align: center;"><b>N.D. Cent. Code, § 14-07.1-18</b></p> <p><b>§ 14-07.1-18. Domestic violence or sexual assault program records – Confidentiality – Exceptions – Penalty.</b></p> <p><b>1.</b> All agents, employees, and volunteers participating in a domestic violence or sexual assault program shall maintain the confidentiality of the:</p> <ul style="list-style-type: none"> <li><b>a.</b> Address, telephone number, and other identifying information of a shelter, safe home, and place of emergency safe housing;</li> <li><b>b.</b> Name, address, telephone number, personally identifying information, and case file or history of any client receiving services from a domestic violence or sexual assault program; and</li> <li><b>c.</b> Name, address, telephone number, and other identifying information of an agent, employee, or volunteer providing services under a domestic violence or sexual assault program.</li> </ul> <p><b>2.</b> The information described in subsection 1 is not subject to section 44-04-18 and may not be disclosed unless:</p> <ul style="list-style-type: none"> <li><b>a.</b> A client consents to the release of information that relates only to that client or the client's dependents;</li> <li><b>b.</b> The agent, employee, or volunteer operating a domestic violence or sexual assault program determines the disclosure of the information necessary for the efficient and safe operation of a domestic violence or sexual assault program; or for the protection of the safety of an employee, agent, volunteer, or client of a domestic violence or sexual assault program; or for the protection of a third party reasonably thought to be in need of protection;</li> <li><b>c.</b> A court of competent jurisdiction orders the disclosure after an in camera review and a written finding by the court that the information directly and specifically relates to a determination of child abuse and neglect under chapter 50-25.1 or termination of parental rights under sections 14-15-19, 27-20-44, 27-20-45, 27-20-46, 27-20-47, and 27-20-48; or</li> <li><b>d.</b> An agent, employee, or volunteer working with a domestic violence or sexual assault program has knowledge or reasonable cause to suspect a</li> </ul>



STATE	STATUTE
	<p>child has been abused or neglected as defined by section 50-25.1-02.</p> <p>3. The address, telephone number, and other identifying information of a shelter are exempt records as defined in section 44-04-17.1.</p> <p>4. Any person who violates this section is guilty of an infraction.</p>
OHIO	No Statute
OKLAHOMA	<p style="text-align: center;"><b>74 Okl. St. § 18p-3</b></p> <p><b>§ 18p-3. Contracts for shelter and services--Disclosure of case records, shelter locations or board member information</b></p> <p><b>A.</b> The Attorney General is hereby authorized and directed to enter into agreements and to contract for the shelter and other services that are needed for victims of domestic abuse, sexual assault or batterers intervention programs. Any domestic violence, sexual assault or batterers intervention program providing services pursuant to certification by the Attorney General or a contract or subcontract with the Attorney General and receiving funds from the Attorney General or any contractor with the Attorney General shall be subject to the provisions of the administrative rules of the Attorney General.</p> <p><b>B.</b></p> <p style="padding-left: 40px;"><b>1.</b> Except as otherwise provided by paragraph 3 of this subsection, the case records, case files, case notes, client records, or similar records of a domestic violence or sexual assault program certified by the Attorney General or of any employee or trained volunteer of a program regarding an individual who is residing or has resided in such program or who has otherwise utilized or is utilizing the services of any domestic violence or sexual assault program or counselor shall be confidential and shall not be disclosed.</p> <p style="padding-left: 40px;"><b>2.</b> For purposes of this subsection, the term “client records” shall include, but not be limited to, all communications, records, and information regarding clients of domestic violence and sexual assault programs.</p> <p style="padding-left: 40px;"><b>3.</b> The case records, case files, or case notes of programs specified in paragraph 1 of this subsection shall be confidential and shall not be disclosed except with the written consent of the individual, or in the case of the individual’s death or disability, of the individual’s personal representative or other person authorized to sue on the individual’s behalf or by court order for good cause shown by the judge in camera.</p> <p><b>C.</b> The district court shall not order the disclosure of the address of a domestic violence shelter, the location of any person seeking or receiving services from a domestic violence or sexual assault program, or any other information which is required to be kept confidential pursuant to subsection B of this section.</p> <p><b>D.</b> The home address, personal telephone numbers and social security number of board members, staff and volunteers of certified domestic violence and sexual assault programs shall not be construed to be open records pursuant to the Oklahoma Open Records Act.</p>
OREGON	<p style="text-align: center;"><b>ORS § 409.273</b></p> <p><b>§ 409.273 Funding of sexual assault crisis centers and crisis lines; rulemaking.</b></p> <p><b>(1)</b> The Director of Human Services may make grants to and enter into contracts with private nonprofit organizations that provide intervention and support services to victims of sexual offenses and their families. Grants or contracts under this subsection may be:</p> <p style="padding-left: 40px;"><b>(a)</b> For the funding of sexual assault crisis centers; and</p> <p style="padding-left: 40px;"><b>(b)</b> For the funding of crisis lines providing services to victims of sexual offenses and their families.</p> <p><b>(2)</b> Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.505 and 192.610 to 192.990:</p> <p style="padding-left: 40px;"><b>(a)</b> The director may by rule provide that the locations of premises utilized for sexual assault crisis centers shall be kept confidential.</p> <p style="padding-left: 40px;"><b>(b)</b> All information maintained by the sexual assault crisis center or crisis line relating to clients is confidential. Except for the names of clients, necessary information may be disclosed to the director.</p> <p style="text-align: center;"><b>ORS § 409.292</b></p> <p><b>§ 409.292 Funding of programs relating to family violence; rules.</b></p> <p><b>(1)</b> The Director of Human Services may make grants to and enter into contracts with nonprofit private organizations or public agencies for programs and projects designed to prevent, identify and treat family, domestic and teen dating violence. Grants or contracts under this subsection may be:</p>

STATE	STATUTE
	<p>(a) For the funding of shelter homes for spouses and children who are or have experienced family violence or domestic violence including acquisition and maintenance of shelter homes;</p> <p>(b) For the funding of crisis lines providing services to victims of family, domestic or teen dating violence and their families;</p> <p>(c) For the funding of safe houses for victims of family or domestic violence and their families;</p> <p>(d) For the funding of services, programs and curricula to educate and inform students in grades 7 through 12 about teen dating and domestic violence, to provide assistance to victims of teen dating and domestic violence and to prevent and reduce the incidence of teen dating and domestic violence; and</p> <p>(e) For the development and establishment of programs for professional and paraprofessional personnel in the fields of social work, law enforcement, education, law, medicine and other relevant fields who are engaged in the field of the prevention, identification and treatment of family, domestic and teen dating violence and training programs in methods of preventing family, domestic and teen dating violence.</p> <p>(2) The director shall not make a grant to any organization or agency under this section except on the condition that a local governmental unit or community organization provide matching moneys equal to 25 percent of the amount of the grant. The applying organization itself may contribute to or provide the required local matching funds. The value of in kind contributions and volunteer labor from the community may be computed and included as a part of the local matching requirement imposed by this subsection.</p> <p>(3) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.505 and 192.610 to 192.990:</p> <p>(a) The director may by rule provide that the locations of premises utilized for shelter homes or other physical facilities in family and domestic violence programs and projects shall be kept confidential.</p> <p>(b) All information maintained by the shelter home, safe house or crisis line relating to clients is confidential. However, crisis lines specifically funded to provide services for victims of child abuse are subject to the requirements of ORS 419B.005 to 419B.050. Except for the names of clients, necessary information may be disclosed to the director.</p>
PENNSYLVANIA	<p style="text-align: center;"><b>23 Pa.C.S. § 6116</b></p> <p><b>§ 6116. Confidentiality.</b>  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. Neither the domestic violence counselor/advocate nor the victim shall waive the privilege of confidential communications by reporting facts of physical or sexual assault under Chapter 63 (relating to child protective services), a Federal or State mandatory reporting statute or a local mandatory reporting ordinance.</p> <p style="text-align: center;"><b>23 Pa.C.S. § 6102</b></p> <p><b>§ 2102. Definitions.</b>  “Victim.” —A person who is physically or sexually abused by a family or household member. For purposes of section 6116 (relating to confidentiality), a victim is a person against whom abuse is committed who consults a domestic violence counselor or advocate for the purpose of securing advice, counseling or assistance. The term shall also include persons who have a significant relationship with the victim and who seek advice, counseling or assistance from a domestic violence counselor or advocate regarding abuse of the victim.</p>
RHODE ISLAND	No Statute
SOUTH CAROLINA	No Statute
SOUTH DAKOTA	<b>S.D. Codified Laws § 25-10-28</b>

STATE	STATUTE
	<p><b>§ 25-10-28. Minimum requirements for domestic or sexual abuse shelters or service programs.</b>  Any shelter or service programs established pursuant to this chapter shall have as its primary purpose the provision of services to victims of domestic violence or sexual assault, or both, and shall include:</p> <ol style="list-style-type: none"> <li>(1) Crisis telephone and referral services available twenty-four hours per day, seven days per week;</li> <li>(2) Shelter available twenty-four hours per day, seven days per week;</li> <li>(3) Prevention and education programs periodically available to the local community;</li> <li>(4) Victim advocacy; and</li> <li>(5) Confidentiality of identity, location, records, and information pertaining to any person to whom services are or were provided.</li> </ol>
TENNESSEE	No Statute
TEXAS	<p style="text-align: center;"><b>Tex. Gov't Code § 420.071</b></p> <p><b>§ 420.071. Confidential Communications.</b></p> <p>(a) A communication between an advocate and a survivor, or a person claiming to be a survivor, that is made in the course of providing sexual assault advocacy services to the survivor is confidential and may not be disclosed except as provided by this subchapter.</p> <p>(b) A record of the identity, personal history, or background information of a survivor or information concerning the victimization of a survivor that is created by or provided to an advocate or maintained by a sexual assault program is confidential and may not be disclosed except as provided by this subchapter.</p> <p>(c) A person who receives information from a confidential communication or record as described by this subchapter may not disclose the information except to the extent that disclosure is consistent with the authorized purposes for which the information was obtained.</p> <p>(d) This subchapter governs a confidential communication or record concerning a survivor regardless of when the survivor received the services of an advocate or sexual assault program.</p>
UTAH	<p style="text-align: center;"><b>Utah Code Ann. § 77-38-203</b></p> <p><b>§ 77-38-203. Definitions.</b>  As used in this part:</p> <ol style="list-style-type: none"> <li>(1) “Confidential communication” means information given to a sexual assault counselor by a victim and includes reports or working papers made in the course of the counseling relationship.</li> <li>(2) “Rape crisis center” means any office, institution, or center assisting victims of sexual assault and their families which offers crisis intervention, medical, and legal services, and counseling.</li> <li>(3) “Sexual assault counselor” means a person who is employed by or volunteers at a rape crisis center who has a minimum of 40 hours of training in counseling and assisting victims of sexual assault and who is under the supervision of the director or designee of a rape crisis center.</li> <li>(4) “Victim” means a person who has experienced a sexual assault of whatever nature including incest and rape and requests counseling or assistance regarding the mental, physical, and emotional consequences of the sexual assault.</li> </ol> <p style="text-align: center;"><b>Utah Code Ann. § 77-38-204</b></p> <p><b>§ 77-38-204. Disclosure of confidential communications.</b>  The confidential communication between a victim and a sexual assault counselor is available to a third person only when:</p> <ol style="list-style-type: none"> <li>(1) the victim is a minor and the counselor believes it is in the best interest of the victim to disclose the confidential communication to the victim’s parents;</li> <li>(2) the victim is a minor and the minor’s parents or guardian have consented to disclosure of the confidential communication to a third party based upon representations made by the counselor that it is in the best interest of the minor victim to make such disclosure;</li> <li>(3) the victim is not a minor, has given consent, and the counselor believes the disclosure is necessary to accomplish the desired result of counseling;</li> </ol> <p>or</p>

STATE	STATUTE
	<p>(4) the counselor has an obligation under Title 62A, Chapter 4a, Child and Family Services, to report information transmitted in the confidential communication.</p>
<p><b>VERMONT</b></p>	<p style="text-align: center;"><b>12.S.A. § 1614</b></p> <p><b>§ 1614. Victim and crisis worker privilege.</b></p> <p>(a)</p> <p>(1) "Crisis worker" means an employee or volunteer who:</p> <p>(A) provides direct services to victims of abuse or sexual assault for a domestic violence program or sexual assault crisis program incorporated or organized for the purpose of providing assistance, counseling or support services;</p> <p>(B) has undergone 20 hours of training;</p> <p>(C) works under the direction of a supervisor of the program, supervises employees or volunteers, or administers the program; and</p> <p>(D) is certified by the director of the program.</p> <p>(2) A communication is "confidential" if not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of services to the victim or those reasonably necessary for the transmission of the communication.</p> <p>(b) A victim receiving direct services from a crisis worker has the privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made by the victim to the crisis worker, including any record made in the course of providing support, counseling or assistance to the victim. The crisis worker shall be presumed to have authority to claim the privilege but only on behalf of the victim.</p>
<p><b>VIRGINIA</b></p>	<p style="text-align: center;"><b>Va. Code Ann. § 63.2-104.1</b></p> <p><b>§ 63.2-104.1. Confidentiality of records of persons receiving domestic and sexual violence services.</b></p> <p>A. In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, or victims of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1, and their families, programs and individuals providing services to such victims shall protect the confidentiality and privacy of persons receiving services.</p> <p>B. Except as provided in subsections C and D, programs and individuals providing services to victims of domestic violence, dating violence, sexual assault, or stalking, or victims of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1, shall not:</p> <p>1. Disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through programs for victims of domestic violence, dating violence, sexual assault, or stalking, or victims of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1; or</p> <p>2. Reveal individual client information without the informed, written, reasonably time-limited consent of the person about whom information is sought; the minor and his parent or legal guardian, in cases in which the client is an unemancipated minor; or the guardian of an incapacitated person as defined in § 64.2-2000, whether for this program or any other Federal, State, tribal, or territorial grant program. However, consent for release may not be given by the abuser or alleged abuser of the minor or incapacitated person, or the abuser or alleged abuser of the other parent of the minor.</p> <p>C. If release of information described in subsection B is compelled by statutory or court mandate, the program or individual providing services shall:</p> <p>1. Make reasonable attempts to provide notice to victims affected by the disclosure of information; and</p> <p>2. Take steps necessary to protect the privacy and safety of the persons affected by the release of the information.</p> <p>D. Programs and individuals providing services to victims of domestic violence, dating violence, sexual assault, or stalking, or victims of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1, may share:</p> <p>1. Nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;</p> <p>2. Court generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and</p> <p>3. Information necessary for law enforcement and prosecution purposes.</p>

STATE	STATUTE
	<p>For purposes of this section, “programs” shall include public and not-for-profit agencies the primary mission of which is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking, or victims of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1.</p> <p>E. For the purposes of this section, a person may be a victim of domestic violence, dating violence, sexual assault, or stalking, or a victim of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1, regardless of whether any person has been charged with or convicted of any offense.</p>
WASHINGTON	<p style="text-align: center;"><b>Rev. Code Wash. (ARCW) § 5.60.060</b></p> <p>(1) A spouse or domestic partner shall not be examined for or against his or her spouse or domestic partner, without the consent of the spouse or domestic partner; nor can either during marriage or during the domestic partnership or afterward, be without the consent of the other, examined as to any communication made by one to the other during the marriage or the domestic partnership. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse or domestic partner if the marriage or the domestic partnership occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said spouse or domestic partner against any child of whom said spouse or domestic partner is the parent or guardian, nor to a proceeding under chapter 70.96A, 70.96B, 71.05, or 71.09 RCW: PROVIDED, That the spouse or the domestic partner of a person sought to be detained under chapter 70.96A, 70.96B, 71.05, or 71.09 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.</p> <p>(2)</p> <p style="padding-left: 40px;">(a) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.</p> <p style="padding-left: 40px;">(b) A parent or guardian of a minor child arrested on a criminal charge may not be examined as to a communication between the child and his or her attorney if the communication was made in the presence of the parent or guardian. This privilege does not extend to communications made prior to the arrest.</p> <p>(3) A member of the clergy, a Christian Science practitioner listed in the Christian Science Journal, or a priest shall not, without the consent of a person making the confession or sacred confidence, be examined as to any confession or sacred confidence made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.</p> <p>(4) Subject to the limitations under RCW 70.96A.140 or 71.05.360 (8) and (9), a physician or surgeon or osteopathic physician or surgeon or podiatric physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:</p> <p style="padding-left: 40px;">(a) In any judicial proceedings regarding a child’s injury, neglect, or sexual abuse or the cause thereof; and</p> <p style="padding-left: 40px;">(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege.</p> <p>Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.</p> <p>(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.</p> <p>(6)</p> <p style="padding-left: 40px;">(a) A peer support group counselor shall not, without consent of the law enforcement officer or firefighter making the communication, be compelled to testify about any communication made to the counselor by the officer or firefighter while receiving counseling. The counselor must be designated as such by the sheriff, police chief, fire chief, or chief of the Washington state patrol, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer or firefighter, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer or firefighter.</p> <p style="padding-left: 40px;">(b) For purposes of this section, “peer support group counselor” means a:</p> <p style="padding-left: 80px;">(i) Law enforcement officer, firefighter, civilian employee of a law enforcement agency, or civilian employee of a fire department, who has received training to provide emotional and moral support and counseling to an officer or firefighter who needs those services as a result of an incident in which</p>

STATE	STATUTE
	<p>the officer or firefighter was involved while acting in his or her official capacity; or</p> <p>(ii) Nonemployee counselor who has been designated by the sheriff, police chief, fire chief, or chief of the Washington state patrol to provide emotional and moral support and counseling to an officer or firefighter who needs those services as a result of an incident in which the officer or firefighter was involved while acting in his or her official capacity.</p> <p>(7) A sexual assault advocate may not, without the consent of the victim, be examined as to any communication made between the victim and the sexual assault advocate.</p> <p>(a) For purposes of this section, “sexual assault advocate” means the employee or volunteer from a community sexual assault program or underserved populations provider, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings.</p> <p>(b) A sexual assault advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any sexual assault advocate participating in good faith in the disclosing of records and communications under this section shall have immunity from any liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this section, the good faith of the sexual assault advocate who disclosed the confidential communication shall be presumed.</p> <p>(8) A domestic violence advocate may not, without the consent of the victim, be examined as to any communication between the victim and the domestic violence advocate.</p> <p>(a) For purposes of this section, “domestic violence advocate” means an employee or supervised volunteer from a community-based domestic violence program or human services program that provides information, advocacy, counseling, crisis intervention, emergency shelter, or support to victims of domestic violence and who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor’s office, or the child protective services section of the department of social and health services as defined in RCW 26.44.020.</p> <p>(b) A domestic violence advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. This section does not relieve a domestic violence advocate from the requirement to report or cause to be reported an incident under RCW 26.44.030(1) or to disclose relevant records relating to a child as required by *RCW 26.44.030(12). Any domestic violence advocate participating in good faith in the disclosing of communications under this subsection is immune from liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this subsection, the good faith of the domestic violence advocate who disclosed the confidential communication shall be presumed.</p> <p>(9) A mental health counselor, independent clinical social worker, or marriage and family therapist licensed under chapter 18.225 RCW may not disclose, or be compelled to testify about, any information acquired from persons consulting the individual in a professional capacity when the information was necessary to enable the individual to render professional services to those persons except:</p> <p>(a) With the written authorization of that person or, in the case of death or disability, the person’s personal representative;</p> <p>(b) If the person waives the privilege by bringing charges against the mental health counselor licensed under chapter 18.225 RCW;</p> <p>(c) In response to a subpoena from the secretary of health. The secretary may subpoena only records related to a complaint or report under RCW 18.130.050;</p> <p>(d) As required under chapter 26.44 or 74.34 RCW or RCW 71.05.360 (8) and (9); or</p> <p>(e) To any individual if the mental health counselor, independent clinical social worker, or marriage and family therapist licensed under chapter 18.225 RCW reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation on the part of the provider to so disclose.</p>
WEST VIRGINIA	<p style="text-align: center;">W. Va. Code § 48-26-701</p> <p>§ 48-26-701. Confidentiality.</p>

STATE	STATUTE
	<p>(a) No program licensed pursuant to this article may disclose, reveal or release or be compelled to disclose, reveal or release, any written records or personal or personally identifying information about a program participant created or maintained in providing services, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected, pursuant to this article except:</p> <ol style="list-style-type: none"> <li>(1) Upon written consent, or upon oral consent in emergency situations defined by legislative rule, of the person seeking or who has sought services from the program;</li> <li>(2) In any proceeding brought under sections four [§ 9-6-4] and five [§ 9-6-5], article six, chapter nine of this code or article six [ §§ 49-6-1 et seq.], chapter forty-nine of this code;</li> <li>(3) As mandated by article six-a [ §§ 49-6A-1 et seq.], chapter forty-nine and article six [ §§ 9-6-1 et seq.], chapter nine of this code;</li> <li>(4) Pursuant to an order of any court based upon a finding that said information is sufficiently relevant to a proceeding before the court to outweigh the importance of maintaining the confidentiality established by this section;</li> <li>(5) To protect against a clear and substantial danger of imminent injury by a person receiving services to himself or herself or another; or</li> <li>(6) As authorized by the releases signed by batterer intervention and prevention program participants pursuant to the provisions of subsection (b) of this section.</li> </ol> <p>(b) Batterer intervention and prevention program participants shall authorize the release of information by signing the following releases:</p> <ol style="list-style-type: none"> <li>(1) Allowing the provider to inform the victim or alleged victim and the victim's advocates that the batterer is participating in a batterer intervention and prevention program with the provider and to provide information to the victim or alleged victim and her or his advocates, if necessary, for the victim's or alleged victim's safety;</li> <li>(2) Allowing prior and current service providers to provide information about the batterer to the provider;</li> <li>(3) Allowing the provider, for good cause, to provide information about the batterer to relevant legal entities, including courts, parole officers, probation officers, child protective services, adult protective services, law enforcement, licensed domestic violence programs, or other referral agencies;</li> <li>(4) Allowing the provider to report to the court, if the participation was court ordered, and to the victim or alleged victim, if she or he requests and provides a method of notification, and to his or her advocate, any assault, failure to comply with program requirements, failure to attend the program, threat of harm by the batterer, reason for termination and recommendations for changes in the court order; and</li> <li>(5) Allowing the provider to report to the victim or alleged victim, or his or her advocate, without the participant's authorization, all perceived threats of harm, the participant's failure to attend and reason for termination.</li> </ol> <p>(c) Monitored parenting and exchange programs may disclose to one parent or guardian, without the permission of the other parent or guardian, any perceived threat of harm or violation of the court order or violation of the monitored parenting and exchange program rules by the other parent or guardian.</p> <p>(d) No monitored parenting and exchange program may release information about the child without consent of the parent with custodial responsibility or guardian.</p> <p>(e) In addition to the provisions set forth in this section, the release of a victim's personally identifying information is subject to the provisions of 42 U. S. C. § 13925(b)(2).</p> <p>(f) No consent or authorization for the transmission or disclosure of confidential information is effective unless it is signed by the program participant whose information is being disclosed. Every person signing an authorization shall be given a copy.</p> <p>(g) A victim of domestic violence, dating violence, sexual assault, or stalking shall not be required to provide consent to release his or her personally identifying information as a condition of eligibility for the services, nor may any personally-identifying information be shared in order to comply with federal or state reporting, evaluation, or data collection requirements: Provided, That nothing in this section prohibits a program from reporting suspected abuse or neglect, as defined by law, when the program is mandated by law to report suspected abuse or neglect.</p>

STATE	STATUTE
WISCONSIN	<p style="text-align: center;"><b>Wis. Stat. § 905.045</b></p> <p><b>905.045. Domestic violence or sexual assault advocate-victim privilege.</b></p> <p>1) <b>DEFINITIONS.</b> In this section:</p> <p>(a) “Abusive conduct” means abuse, as defined in s. 813.122 (1) (a), of a child, as defined in s. 813.122 (1) (b), interspousal battery, as described under s. 940.19 or 940.20 (1m), domestic abuse, as defined in s. 813.12 (1) (am), sexual exploitation by a therapist under s. 940.22, sexual assault under s. 940.225, human trafficking involving a commercial sex act under s. 940.302, or child sexual abuse under s. 948.02, 948.025, or 948.05 to 948.11.</p> <p>(c) A communication or information is “confidential” if not intended to be disclosed to 3rd persons other than persons present to further the interest of the person receiving counseling, assistance, or support services, persons reasonably necessary for the transmission of the communication or information, and persons who are participating in providing counseling, assistance, or support services under the direction of a victim advocate, including family members of the person receiving counseling, assistance, or support services and members of any group of individuals with whom the person receives counseling, assistance, or support services.</p> <p>(d) “Victim” means an individual who has been the subject of abusive conduct or who alleges that he or she has been the subject of abusive conduct. It is immaterial that the abusive conduct has not been reported to any government agency.</p> <p>(e) “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.</p> <p>(2) <b>GENERAL RULE OF PRIVILEGE.</b> 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, a victim advocate who is acting in the scope of his or her duties as a victim advocate, and persons who are participating in providing counseling, assistance, or support services under the direction of a victim 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.</p> <p>(3) <b>WHO MAY CLAIM THE PRIVILEGE.</b> The privilege may be claimed by the victim, by the victim’s guardian or conservator, or by the victim’s personal representative if the victim is deceased. The victim advocate may claim the privilege on behalf of the victim. The victim advocate’s authority to do so is presumed in the absence of evidence to the contrary.</p> <p>(4) <b>EXCEPTIONS.</b> Subsection (2) does not apply to any report concerning child abuse that a victim advocate is required to make under s. 48.981.</p> <p>(5) <b>RELATIONSHIP TO S. 905.04</b> If a communication or information that is privileged under sub. (2) is also a communication or information that is privileged under s. 905.04 (2), the provisions of s. 905.04 supersede this section with respect to that communication or information.</p>
WYOMING	<p style="text-align: center;"><b>Wyo. Stat. § 1-12-116</b></p> <p><b>§ 1-12-116. Confidential communications between family violence and sexual assault advocate and victim.</b></p> <p>(a) As used in this section:</p> <p>(i) “Advocate” or “family violence or sexual assault advocate” means a person who is employed by or volunteers services to any family violence and sexual assault program, who is certified by the program as having undergone at least forty (40) hours of crisis advocacy training and whose work is directed and supervised under a family violence and sexual assault program;</p> <p>(ii) “Confidential communication” means information transmitted in confidence between a victim and an advocate in the course of that relationship and includes all information received by, and any report, working paper or document prepared by the advocate in the course of that relationship;</p> <p>(iii) “Crisis services to victims of family violence and sexual assault” means emergency and follow-up intervention, information, referral services and medical, legal and social services advocacy;</p> <p>(iv) “Family violence and sexual assault program” means a program whose primary purpose is to offer shelter and crisis services to victims of family violence and sexual assault through any community facility or center;</p>



STATE	STATUTE
	<p>(v) “Shelter” means a place of temporary refuge, offered on a twenty-four (24) hour, seven (7) day per week basis to victims and their children;</p> <p>(vi) “Victim” means a person who has been subjected to sexual assault as defined by W.S. 6-2-301(a)(v), incest as defined by W.S. 6-4-402 or domestic abuse as defined by W.S. 35-21-102(a)(iii).</p> <p>(b) Except as provided by W.S. 14-3-210, a person exempted from testifying under the provisions of W.S. 1-12-116 shall not be examined as a witness in any civil, criminal, legislative or administrative proceeding concerning the following communications and information:</p> <p>(i) An advocate shall not testify concerning a confidential communication made by a victim in the course of that relationship, except the advocate:</p> <p>(A) May testify:</p> <p>(I) With the express consent of the victim; or</p> <p>(II) If the victim voluntarily testifies, provided the advocate's testimony shall be limited to the same subject matter.</p> <p>(B) May be compelled to testify if the victim is unable to testify due to death or incompetence.</p> <p>(ii) Any employee of a family violence and sexual assault program who has access to confidential communication shall not testify except in those circumstances where the advocate may testify.</p> <p style="text-align: center;"><b>Wyo. Stat. § 14-3-210</b></p> <p><b>§ 14-3-210. Admissibility of evidence constituting privileged communications.</b></p> <p>(a) Evidence regarding a child in any judicial proceeding resulting from a report made pursuant to W.S. 14-3-201 through 14-3-215 shall not be excluded on the ground it constitutes a privileged communication:</p> <p>(i) Between husband and wife;</p> <p>(ii) Claimed under any provision of law other than W.S. 1-12-101(a)(i) and (ii); or</p> <p>(iii) Claimed pursuant to W.S. 1-12-116.</p>