



The Women's Legal Defense
and Education Fund

State Confidentiality Statutes

Introduction¹

Domestic violence shelters, sexual assault crisis centers, and similar service providers actively promote the safety and healing of victims who turn to them for help. Protecting confidential information about victims is a core responsibility required to promote such victim safety and healing. The Family Violence Prevention and Services Act (FVPSA) and the Violence Against Women Act (VAWA) require that any shelter, rape crisis center, domestic violence program, or similar service, in order to maintain its federal funding, are barred from disclosing to anyone any information about a victim receiving services.² These federal statutes act as integral protections for victims of violent crime that wish to keep their location and records confidential from abusers, crime perpetrators, family, community members, state or local law enforcement, and federal immigration officers.

In addition to federal laws that protect the confidentiality of victims of domestic violence and sexual assault, many states also have statutes in place that protect communications between domestic violence and sexual assault service providers and victims.

The purpose of this state by state survey of state confidentiality laws and protections is to help service providers work with immigrant crime victims to help victims weigh their choices and any safety risks should shelter records be potentially subpoenaed and used against battered immigrant women. This state confidentiality review also helps programs be better prepared should federal immigration officers or state and local law enforcement approach shelters for information about an undocumented immigrant crime victim.³

¹ LESLYE E. ORLOFF ET AL., *VAWA Immigration Cases and Victim/Advocate Confidentiality*, in *SOMEWHERE TO TURN: MAKING DOMESTIC VIOLENCE SERVICES ACCESSIBLE TO BATTERED IMMIGRANT WOMEN* 136-142 (1999).

² The Violence Against Women Act of 1994, Pub. L. No. 103-222, Title IV, 108 Stat. 1902-55 (codified in scattered sections of 8 U.S.C. and 42 U.S.C.); The Family Violence Prevention and Services Act of 1984, Pub. L. No. 98-457 (codified in 42 U.S.C. Section 10401, et seq.).

³ For more information regarding concrete steps a shelter should take if approached by state or local law enforcement for information regarding a victim, please see the Shelter Victim Confidentiality Memo Available at: <http://iwp.legalmomentum.org/reference/additional-materials/vawa-confidentiality/state-confidentiality-laws>

State Statutes

Many state statutes address shelters' responsibilities when approached for information or records about a client. A significant majority of states have statutes in place that protect communications between domestic violence or sexual assault advocates and victims. Under a privilege statute, neither the victim nor the domestic violence counselor can be forced by courts, law enforcement, or immigration officials to reveal information unless the victim waives her privilege. Some states will allow a court to order the release of otherwise privileged information in very limited circumstances. The major circumstances are:

1. A court finds that the probative value of the information outweighs the harm
2. Reports of child neglect or abuse
3. Criminal, mental health, or perjury proceedings against the victim
4. Court actions against the counselor
5. Information in the records is exculpatory evidence about the abuser/defendant.

Even if all communications are not privileged, some states have laws making any information that may identify a victim confidential. Many state and federal grant programs require that grantees maintain confidentiality of identifying information as a requirement for domestic violence program funding. Combining these state confidentiality statutes with federal confidentiality provisions mandated by VAWA and FVPSA, shelters, domestic violence advocates, sexual assault advocates, and other service providers can be assured that they are required to keep client information, records, and whereabouts confidential in order to maintain their state and federal funding. Immigration laws do not have an effect on domestic violence and sexual assault service providers' obligation to maintain victim confidentiality.

Finally, many states provide protection for communications to professionals who may provide counseling or other needed services to victims. The various protections for communications may be between clients and social workers, licensed counselors, mental health professionals, marriage/family counselors, psychiatrists, psychologists/mental health therapists, registered nurses, or school counselors.

If no confidentiality protection exists in your state, consider using the following options when assisting a battered immigrant:

1. Determine if the victim qualifies for VAWA, T-visa, or U-visa relief and if the victim wants to pursue this relief.
2. Discuss with the victim the protections the form of immigration relief for which she qualifies could provide.
3. Assess with the battered immigrant whether you are collecting any information that could be used to harm her if the victim or shelter was ordered to turn over the information to the perpetrator in family court or discovery.
4. If possible, any harmful information should be disclosed to and recorded by another professional at the shelter or program who does have a state recognized confidentiality privilege such as a social worker or physician.
5. Allow the victim to make an informed choice about whether she wants the shelter to maintain information for her. In many cases, information that initially appears to be damaging may not be if advocates collect this information and help the client file

quickly for VAWA, T-visa, or U-visa relief. Once this information is submitted to the INS, it is automatically considered confidential.

- Remember that even if your state does not have a confidentiality statute, shelters and service providers are still legally required to maintain confidentiality under the federal confidentiality provisions in FVPSA and VAWA.

Below is a mini-chart briefly summarizing each state’s confidentiality statutes. The mini-chart is followed by a detailed chart for each U.S. state and territory. For more information please refer to the cited statute for your state.

Table of Most Common Privileged Relationships by State

| State | Shelter and Victim | DV Advocate and Victim | SA Advocate and Victim | Attorney and Client | Physician and Patient | Psychotherapist and Patient | Religious | Husband and Wife | Social Worker and Client | Translator/Interpreter and Client | Peer Support Group Counselors | School Counselors | Address Confidentiality Program | Chiropractor and Patient | Human Trafficking Counselor and Victim | Journalist | Accountant and Client |
|-------------|--------------------|------------------------|------------------------|---------------------|-----------------------|-----------------------------|-----------|---------------------------|--------------------------|-----------------------------------|-------------------------------|-------------------|---------------------------------|--------------------------|--|------------|-----------------------|
| Alabama | | X | | X | X | X | X | X | | | | | | | | | |
| Alaska | | X | X | X | X | X | X | X | | | | | | | | | |
| Arizona | | X | | X | X | | X | X | | | | | | | | X | |
| Arkansas | X | X | | X | X | X | X | X | | | | | | | | | |
| California | | X | X | X | X | X | X | X | X (human trafficking) | | | X | | | X | | |
| Colorado | | X | X | X | X | | X | X | | | | | | | | | |
| Connecticut | | X | X | X | X | X | X | X | X | X | | X | | | | | |
| Delaware | | | | X | X | X | X | X | X | | | | | | | | |
| D.C. | | X | | X | X | X | X | X (and domestic partners) | | | | | | | X | | |
| Florida | | X | X | X | | X | X | X | | X | | | | | X | | X |
| Georgia | | | | X | X | X | | X | X | | | | | | | | |
| Hawaii | | X | X | X | X | X | X | X | | | | | | | | | |
| Idaho | | | | X | X | X | X | X | | | | X | | | | | |

| State | Shelter and Victim | DV Advocate and Victim | SA Advocate and Victim | Attorney and Client | Physician and Patient | Psychotherapist and Patient | Religious | Husband and Wife | Social Worker and Client | Translator/Interpreter and Client | Peer Support Group Counselors | School Counselors | Address Confidentiality Program | Chiropractor and Patient | Human Trafficking Counselor and Victim | Journalist | Accountant and Client |
|----------------|-------------------------|------------------------|------------------------|---------------------|-----------------------|-----------------------------|-----------|------------------|--------------------------|-----------------------------------|-------------------------------|-------------------|---------------------------------|--------------------------|--|------------|-----------------------|
| Illinois* | | X | X | X | X | X (only for violent crimes) | | X | | X | | | X | | | | |
| Indiana | | X | X | X | X | X | X | X | X | | | X | | | | X | |
| Iowa* | | X | X | X | X | X | | | | | | X | | | | | |
| Kansas | | | | X | X | X | X | X | | | | X | | | | | |
| Kentucky | | | X | X | | X | X | X | | | | X | | | | | |
| Louisiana | X | | | X | X | | X | X | | | X | | | | | | |
| Maine | | | X | X | X | X | X | X | | | | | | | | | |
| Maryland | | | | X | | X | X | X | X | X | | X | | | | X | X |
| Massachusetts | | X | X | X | | X | X | X | | | | | | | | | |
| Michigan | | X | X | X | X | X | X | X | | | | | | | | X | |
| Minnesota | | X | X | X | X | X | X | X | X | X | | | | | | | |
| Mississippi | | | | X | X | X | X | X | | | | X | X | | | | |
| Missouri | X | | | X | X | X | X | | X | | | X | X | X | | | |
| Montana | | X | X | X | X | X | X | X | | | | X | | | | | |
| Nebraska | | X | X | X | X | X | X | X | | | | | X | | | | |
| Nevada | | X | X | X | X | X | X | X | X | | | X | X | | | X | X |
| New Hampshire | | X | X | X | X | X | X | X | X | | | | | X | | | |
| New Jersey | | X | X | X | X | X | X | X | X | | | | | | | X | |
| New Mexico | | X | X | X | X | X | X | X | X | | | | | | | | |
| New York | | | X | X | X | X | X | X | X | | | | | X | | | |
| North Carolina | X (agent of the center) | X | X | X | X | X | X | X | X | | X | X | | | | X | |
| North Dakota | X | X | X | X | X | X | X | X | | | | | | | | | |
| Ohio | | | | X | X | X | X | X | X | | | X | X | | | | |
| Oklahoma | | | | X | X | X | X | X | | X (for deaf) | X | | X | | | X | X |

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|----------------|--------------------|------------------------|-------------------------|---------------------|-----------------------|-----------------------------|-----------|------------------|--------------------------|-----------------------------------|-------------------------------|-------------------|---------------------------------|--------------------------|--|------------|-----------------------|
| Oregon | | | | X | X | X | X | X | X | X | | X | | | | | |
| Pennsylvania | | X | | X | X | X | X | X | | X | X | X | | | | X | |
| Rhode Island | | | X (proposed statute) | X | X | X | X | | X | X | | | | | | | |
| South Carolina | | | | X | X | X | | | | | | | | | | | |
| South Dakota | X | X | X | X | X | X | X | X | X | X | | X | | | | | |
| Tennessee | X | X | X | X | X | X | X | X | | X | | | | | | X | |
| Texas | | | X | X | X | X | X | X | | | | | | | | | |
| Utah | | | X | X | X | X | X | X | | | | | | | | X | |
| Vermont | | X | X | X | X | X | X | X | | | | | | | | | |
| Virginia | X | X | X | X | X | X | X | X | X | X | | | | | | | |
| Washington | | X | X | X | X | X | X | X | X | | X | | | | | | |
| West Virginia | X | X | X | X | X | X | | | X | | | X | | | | | |
| Wisconsin | | X | X | X | X | X | X | X | X | X | | X | | X | | | |
| Wyoming | | X | X | X | X | | X | X | | | | | | | | | |
| Guam | | | | X | X | | X | X | | | | | | | X | | |
| Puerto Rico | | X | X | X | X | | | | | | | | | | | | |

* Other relationships covered by confidentiality statutes include: union agent and union member (735 Ill. Comp. Stat. 5/8-803.5) and the stenographer or confidential clerk of a party of a relationship covered by confidentiality statutes and the client (I.C.A. 622.10).

| State | Confidential Relationships | Applicable Statute | Additional Information | Other Confidential Relationships |
|---------|---|-----------------------------|--|---|
| Alabama | Confidentiality between advocate and victim. | Ala. Code §§ 30-6-1, 30-6-8 | Advocate means an employee or volunteer of a program for victims of domestic violence receiving funds under this chapter who has a primary | <ul style="list-style-type: none"> - Attorney-client (Rule 502) - Psychotherapist-patient (Rule 503) - Counselor-client (Rule 503A) |

| State | Confidential Relationships | Applicable Statute | Additional Information | Other Confidential Relationships |
|---------------|---|------------------------------|---|--|
| | | | <p>function of rendering advice, counseling, or assistance to victims of domestic violence; who supervises the employees or volunteers of the program; or who administers the program.</p> <p>Exception: when providing evidence in proceedings concerning suspected child abuse or elder abuse.</p> | <ul style="list-style-type: none"> - Husband-wife (Rule 504) - Clergyman privilege (Rule 505) |
| Alaska | Confidentiality between victim counselor and victim. | Alaska Stat. § 18.66.200-250 | <p>Victim counselor means an employee or supervised volunteer of a victim counseling center that provides counseling to victims; who has undergone at least forty (40) hours of training in domestic violence or sexual assault, crisis intervention, victim support, treatment and related areas; or whose duties include victim counseling.</p> <p>Exceptions: If a court or hearing officer determines that the (otherwise confidential) information is necessary and relevant to the facts of the case. No privilege in cases of child abuse, where the victim is about to commit a crime, if the proceeding occurs after the victim's death, if victims service counselor was sought to enable anyone to commit or plan a crime or to escape detection or apprehension after committing a crime, or if in criminal proceedings against a victim of domestic violence or sexual assault</p> | <ul style="list-style-type: none"> - Lawyer-client (Rule 503) - Physician-patient, Psychotherapist-patient (Rule 504) - Husband-wife (Rule 505) - Communications to clergymen (Rule 506) |

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|-----------------------|---|------------------------------------|--|--|
| | | | <p>the victim is accused of a crime against a minor or in which the physical, mental, or emotional condition of the victim is raised as a defense of the victim.</p> <p>See also Alaska Stat. § 24.65.130 (West) regarding whom a victim's advocate may compel by subpoena.</p> | |
| <p>Arizona</p> | <p>Confidentiality between domestic violence victim advocate and victim.</p> <p>In a civil action, a domestic violence victim advocate shall not be examined as to any communication made by the domestic violence victim to the domestic violence victim advocate.</p> | <p>Ariz. Rev. Stat. §§ 12-2239</p> | <p>Domestic violence victim advocate means a person who is an employee or volunteer at a domestic violence shelter or service provider for victims of domestic violence and who meets the training requirements of this section (30 hours, a portion of which must include an explanation of privileged communication and the reporting requirements prescribed in § 13-3620).</p> <p>Exceptions: This section does not apply to a civil action brought pursuant to title 36, chapter 37.1 relating to the civil commitment of sexually violent persons. Unless the domestic violence shelter or service provider has immunity under other provisions of law, the communication is not privileged if the victim advocate knows or should have known that the victim will give or has given perjurious statements or statements that would tend to disprove the existence of domestic</p> | <ul style="list-style-type: none"> - Husband-wife (§ 12-2231, 12-2232) - Clergyman privilege (§ 12-2233) - Attorney-client (§ 12-2234) - Doctor-patient (§ 12-2235) - Reporter-informant (§ 12-2237) |

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| | | | <p>violence. The domestic violence victim advocate-victim privilege does not extend to cases in which the domestic violence victim advocate has a duty to report nonaccidental injuries and physical neglect of minors as required by § 13-3620.</p> | |
| <p>Arkansas</p> | <p>Confidentiality between DV advocates and volunteers who provide direct services to the victim and the victim: all advocates and volunteers who provide direct services to victims must sign a written confidentiality agreement that prohibits the release of the names or other personal and identifying information about the victims who are served at the shelter; and the names or other personal identifying information about the family or household members of the victims who</p> | <p>Ark. Code § 9-4-106(5)</p> | <p>“Advocate” means an employee, supervisor, or administrator of a shelter. “Shelter” means any entity that: provides services including food, housing, advice, counseling, and assistance to victims of domestic abuse and their minor dependent children in this state; and meets the program, fiscal, and training requirements of this chapter.</p> <p>Exceptions: Confidentiality agreement shall not apply to advocates who testify in court, and shall not prevent disclosure from federal grant review, audit, or reporting.</p> | <ul style="list-style-type: none"> - Lawyer-client (Rule 502) - Physician-patient, psychotherapist-patient (Rule 503) - Husband-wife (Rule 504) - Religious privilege (Rule 505) |

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| | are served at the shelter. | | | |
| California | Confidentiality between sexual assault counselor/domestic violence counselor and victim. | West's Ann. Cal. Evid. Code § 1035.4, 1037-1037.8 | <p>“Sexual assault victim counselor” may mean an employee of a rape crisis center, a psychotherapist who has either a master’s degree in counseling or a related field or a related field or has one year’s experience in counseling, at least six months of which is rape crisis counseling, or someone who is supervised by a counselor and has forty (40) hours training.</p> <p>A “domestic violence counselor” includes a person who works for an organization that gives advice or assistance to domestic violence victims. The counselor must have received specialized training in counseling domestic violence victims and has either a master’s in counseling or a similar field, has one year of counseling experience (of which 6 months must be domestic violence counseling), has either forty (40) hours of training and is either supervised by a domestic violence counselor or is a psychotherapist, or a person trained by a domestic violence organization where and meets one of the above listed requirements.</p> <p>Exceptions: The court may compel disclosure of information received by</p> | <ul style="list-style-type: none"> - Lawyer-client (West’s Ann. Cal. Evid. Code § 954) - Spouse-spouse (West’s Ann. Cal. Evid. Code § 971, 980) - Physician-patient (West’s Ann. Cal. Evid. Code § 992) - Educational Psychologist-patient (West’s Ann. Cal. Evid. Code § 1010.5) - Psychotherapist-patient (West’s Ann. Cal. Evid. Code § 1012) - Clergy-penitent (West’s Ann. Cal. Evid. Code § 1032) - Human Trafficking Caseworker-victim (West’s Ann. Cal. Evid. Code § 1038) |

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| | | | <p>the sexual assault counselor/domestic abuse 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>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 if the privilege is claimed by any of the following persons:</p> <ul style="list-style-type: none"> (a) The holder of the privilege. (b) A person who is authorized to claim the privilege by the holder of the privilege. (c) The person who was the domestic violence counselor at the time of the | |

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| | | | 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. | |
| Colorado | Confidentiality between victim’s advocate and victim. | Colo. Rev. Stat. § 13-90-107 | “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: whose primary function is to render advice, counsel, or assist victims of domestic or family violence or sexual assault; who has undergone not less than fifteen (15) hours of training as a victim’s advocate or, with respect to an advocate who assists victims of sexual assault, not less than 30 hours of training as a sexual assault victim’s advocate; and, who supervises employees of the program, administers the program, or works under the direction of a supervisor of the program. | <ul style="list-style-type: none"> - Husband-wife - Attorney-client - Clergy Member communication - Physician-patient - Surgeon-patient - Nurse-patient (C.R.S.A. § 13-90-107(a)-(d)) |
| Connecticut | Confidentiality between battered women’s counselor/sexual assault counselor and victim. | Conn. Gen. Stat. § 52-146k | “Battered women’s counselor” means any person engaged in a battered women’s center who has undergone a minimum of twenty (20) hours of training which shall include, but not be limited to, the dynamics of battering, crisis intervention, communication skills, working with | <ul style="list-style-type: none"> -Attorney-Client (Conn. Gen. Stat. § 46a-12) - Husband-wife (Conn. Gen. Stat. § 52-146) - Privileged communications made to Clergymen (Conn. Gen. Stat. § 52-146B) - Psychologist-patient (Conn. |

| State | Confidential Relationships | Applicable Statute | Additional Information | Other Confidential Relationships |
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| | | | <p>diverse populations, an overview of the state criminal justice system and information about state and community resources for battered women; who is certified as a counselor by the battered women’s center which provided such training; who is under the control of a direct service supervisor of a battered women’s center; and whose primary purpose is the rendering of advice, counsel and assistance to, and the advocacy of the cause of, battered women.</p> <p>“Sexual assault counselor” means any person engaged in a rape crisis center who has undergone a minimum of 20 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; is certified as a counselor by the sexual assault center which has provided such training; is under the control of a direct services supervisor of a rape crisis center; and whose primary purpose is the rendering of advice, counseling and assistance to, and the advocacy of the cause of, victims of</p> | <p>Gen. Stat. § 52-146C) - Psychiatrist-patient (Conn. Gen. Stat. § 52-146D) - Interpreter privilege (Conn. Gen. Stat. § 52-146L) - Privileged communication made by or to deaf or hearing impaired person with assistance of operator of special telecommunications equipment (Conn. Gen. Stat. § 52-146M) - Judicial Department employee- - Employee Assistance Program counselor (Conn. Gen. Stat. § 52-146N) - Physician, Surgeon, Health Care Provider-patient (Conn. Gen. Stat. § 52-146O) - Marital and Family Therapist-client (Conn. Gen. Stat. § 52-146P) - Social Worker-client (Conn. Gen. Stat. § 52-146Q) - Government Attorney-public official or employee of public agency (Conn. Gen. Stat. § 52-146R) - Professional Counselor-client (Conn. Gen. Stat. § 52-146S)</p> |

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| | | | <p>sexual assault.</p> <p>Exceptions: in matters of proof concerning chain of custody of evidence; in matters of proof concerning the physical appearance of the victim at the time of the injury; or where the battered women's counselor of 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.</p> | |
| Delaware | <p>No confidentiality provision. However, social workers have privileged communications with respect to their clients.</p> | 24 Del. C. § 3913 | <p>Exceptions: (1) With the written consent of such person; or in the case of death or disability, the written consent of such person's personal representative;</p> <p>(2) That a licensed clinical social worker shall not be required to treat as confidential a communication that reveals the planning of any violent crime or act;</p> <p>(3) That any licensed clinical social worker who knows or reasonably suspects child abuse or neglect shall make a report to the Division of Child Protective Services of the Department of Services for Children, Youth and Their Families according to § 904 of Title 16;</p> <p>(4) When the person waives the privilege by bringing charges against the licensed clinical social worker.</p> | <ul style="list-style-type: none"> - Lawyer-client (Rule 502) - Mental health provider-patient, - Physician-patient, - Psychotherapist-patient (Rule 503) - Husband-wife (Rule 504) - Religious privilege (Rule 505) |

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| D.C. | Confidentiality between domestic violence counselor/human trafficking counselor and victim. | D.C. Code Ann. § 14-310 | <p>A “domestic violence counselor” includes an employee, contractor, or volunteer of a domestic violence program who renders support, counseling, or assistance to a victim; has undergone at least forty (40) hours of domestic violence counselor training conducted by a domestic violence program; is or is under the supervision of a licensed social worker, nurse, physician, psychologist, or psychotherapist; or is or is under the supervision of a person who has at least five (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 two (2) years of experience involves victims.</p> <p>“Human trafficking counselor” means an employee, contractor, or volunteer of a human trafficking program who: is rendering support, counseling, or assistance to a victim; has undergone not less than 40 hours of human trafficking counselor training conducted by a human trafficking program that includes dynamics of human trafficking, trauma resulting from human trafficking, crisis intervention, personal safety, risk management, criminal and civil court processes,</p> | <ul style="list-style-type: none"> - Attorney-Client (DC ST § 2-534) - Spouses or Domestic Partners (DC ST § 14-306) - Physician-patient, Mental Health Professional-client (DC ST § 14-307) - Clergy privilege (DC ST § 14-309) |

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| | | | <p>and resources available to victims; and is or is under the supervision of a licensed social worker, nurse, physician, psychologist, or psychotherapist; or 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 human trafficking victims.</p> <p>Confidential communications are not waived by the presence of a sign language or foreign language interpreter.</p> <p>Exceptions: as required by statute or by a court of law; as voluntarily authorized in writing by the victim; to other individuals employed by the domestic violence program and third party providers when and to the extent necessary to facilitate the delivery of services to the victim; 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 injury; to compile statistical or anecdotal information, without personal identifying information, for</p> | |

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| | | | <p>research or public information purposes; or 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>Florida</p> | <p>Confidentiality between sexual assault counselor/trained volunteer/domestic violence advocate and victim.</p> | <p>FSA §§ 90.5035-5036</p> | <p>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>A “trained volunteer” is a person who volunteers at a rape crisis center, has completed thirty (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>A “domestic violence advocate” means any employee or volunteer who has thirty (30) hours of training in assisting victims of domestic violence and is an employee of or volunteer for a program for victims of domestic violence whose primary purpose is the rendering of advice, counseling, or assistance to victims of domestic violence.</p> | <ul style="list-style-type: none"> - Journalist’s privilege (FSA § 90.5015) - Lawyer-client (FSA § 90.502) - Psychotherapist-patient (FSA § 90.503) - Husband-Wife (FSA § 90.504) - Communications to Clergy (FSA § 90.505) - Accountant-client (FSA § 90.5055) - Interpreters and translators (FSA § 90.606) - Interpreter services for deaf persons (FSA 90.6063) |

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| | | | <p>Exceptions: A communication between a sexual assault counselor/trained volunteer/domestic violence counselor and a victim is “confidential” if it is not intended to be disclosed to third persons other than: those persons present to further the interest of the victim in the consultation, examination, or interview; those persons necessary for the transmission of the communication; and those persons to whom disclosure is reasonably necessary to accomplish the purposes for which the sexual assault counselor/trained volunteer/domestic violence counselor is consulted.</p> | |
| <p>Georgia</p> | <p>No confidentiality, but phone service providers are required to keep shelter locations confidential.</p> | <p>OCGA § 46-5-7</p> | <p>Each person, corporation, or other entity that provides telephone service in this state and each person, corporation, or other entity that publishes, disseminates, or otherwise provides telephone directory information or listings of telephone subscribers in this state shall file a plan with the commission setting forth in detail how such person, corporation, or other entity will protect the confidentiality of the address or location of family violence shelters, as defined in Code Section 19-13-20, in this state. Such plan shall describe the manner in which the person, corporation, or other entity will identify all such shelters</p> | <ul style="list-style-type: none"> - Psychiatrist-patient - Psychologist-patient - Social Worker-client - Mental Health Professional-patient - Husband-wife - Privilege between grand jurors - Attorney-client <p>(Ga. Code Ann. § 24-9-21)</p> |

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| | | | and the manner in which the person, corporation, or other entity will keep the location and address of such shelters confidential. | |
| Hawaii | Confidentiality between victim counselor and victim. | Hawaii Rev. Stat. Rules of Evid. Rule § 505.5 | <p>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.</p> <p>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.</p> | <ul style="list-style-type: none"> - Lawyer-client - Physician-patient - Psychologist-patient - Spousal - Victim Counselor-victim - Communication to Clergy (Article V. Rules 501-513) |

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| | | | <p>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> <p>Exceptions: if the victim counselor reasonably believes the victim has given perjured testimony and a party to the proceeding has made an offer of proof that perjury may have been committed; in matters of proof concerning the physical appearance and condition of the victim at the time of the alleged crime; as to a communication relevant to an issue of breach of duty by the victim counselor or victim counseling program to the victim; to relieve victim counselors of any duty to refuse to report child abuse or neglect, domestic abuse, or abuse of a vulnerable adult, and to refuse to provide evidence in child abuse proceedings; for communications relevant to an issue in proceedings to</p> | |

| State | Confidential Relationships | Applicable Statute | Additional Information | Other Confidential Relationships |
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| | | | <p>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; 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; 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; 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</p> | |

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| | | | necessary to protect the confidentiality of the victim. | |
| Idaho | No confidentiality. | | | <ul style="list-style-type: none"> - Physician-Patient privilege - Communication made to a public officer in his or her official capacity - Certified Counselor-client - Psychologist or Psychological Examiner-client - Husband-wife - Attorney-client - Clergy privilege (I.C. § 9-203) |
| Illinois | <p>Confidentiality between domestic violence advocate or counselor and victim.</p> <p>Confidentiality between personal counselors and victims of violent crimes (735 Ill. Comp. Stat. 5/8-802.2)</p> <p>Confidentiality between rape crisis personnel and victim (735 Ill. Comp. Stat. 5/8-802.1)</p> <p>Disclosure of location of DV</p> | 750 Ill. Comp. Stat. 60/227 | <p>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>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</p> | <ul style="list-style-type: none"> - Attorney-client (ILCS S Ct Rules of Prof.Conduct, RPC Rule 1.6; Formerly cited as IL ST CH Rule 1.6) - Physician-patient (735 Ill. Comp. Stat. 5/8-802, held unconstitutional by Lebron v. Gottlieb Memorial Hospital but proposed legislation pending) - Personal Counselors of Violent Crime Victims-victims (735 Ill. Comp. Stat. 5/8-802.2) - Interpreter privilege (735 Ill. Comp. Stat. 5/8-911) - Husband-wife (IL ST CH 735 § 5/8-801) - Union Agent-union member (IL ST CH 735 § 5/8-803.5) |

| State | Confidential Relationships | Applicable Statute | Additional Information | Other Confidential Relationships |
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| | <p>victim is a class A misdemeanor. (720 ILL Comp. Stat. 5/12-3.6)</p> | | <p>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 when reasonably necessary to accomplish the purpose for which the advocate or counselor is consulted.</p> <p>Exceptions: in cases that involve the provisions of the Abused and Neglected Child Reporting Act or 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>Indiana</p> | <p>Confidentiality between victim counselor and victim.</p> | <p>IC § 35-37-6-9</p> | <p>Victim counselor means an individual who is an employee or supervised volunteer of a victim counseling center and provides treatment to a victim for an emotional or psychological condition incurred by the victim as a result of a covered act.</p> <p>Exceptions: (a) A victim does not waive the protections afforded by this chapter by testifying in court about an offense. However, if the victim partially discloses the contents of a</p> | <ul style="list-style-type: none"> - Attorney-client (IN ST RPC Rule 1.6) - Physician-patient (IC § 34-46-3-1) - Mental Health Service Provider-patient (IC § 34-46-5-1) - Psychologist-patient (IC § 34-46-2-23) - Clergy privilege (IC § 34-46-3-1) - Spousal privilege (IC § 34-46-3-1) |

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| | | | <p>confidential communication in the course of testifying, either party may request the court to rule that justice requires the protections of this chapter to be waived, to the extent they apply to that portion of the communication.</p> <p>(b) A waiver under this section applies 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> | <ul style="list-style-type: none"> - Journalist privilege (IC § 34-46-4-2) - Social workers and counselor privilege (IC § 34-46-2-20) |
| Iowa | Confidentiality between victim counselor and victim. | Iowa code Ann. § 915.20A | <p>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”, 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</p> | <ul style="list-style-type: none"> - Attorney-client (IA R 5.502) - Physician-patient - Nurse-patient - Mental health practitioner-patient - Stenographer and Confidential Clerk privilege - Counselor-client (I.C.A. § 622.10) |

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| | | | <p>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.</p> <p>Exceptions: if a victim has deceased or has been declared to be incompetent; 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; in a court of law if: 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; the probative value of the information outweighs the harmful effect, if any, of disclosure on the victim, the counseling relationship, and the treatment services; the information</p> | |

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| | | | cannot be obtained by reasonable means from any other source. | |
| Kansas | No confidentiality | Ks Stat. Ann. § 65-5810 | <p>The confidential relations and communications between a licensed professional counselor and such counselor's client are placed on the same basis as provided by law for those between an attorney and an attorney's client.</p> <p>Nothing in this section or in this act shall be construed to prohibit any licensed professional counselor or licensed clinical professional counselor from testifying in court hearings concerning matters of adult abuse, adoption, child abuse, child neglect, or other matters pertaining to the welfare of children or from seeking collaboration or consultation with professional colleagues or administrative superiors, or both, on behalf of the client. There is no privilege under this section for information which is required to be reported to a public official.</p> | <ul style="list-style-type: none"> - Counselor-client (KSA § 65-5810) - Psychotherapist-patient (KSA § 74-5372) - Attorney-client (KSA § 60-426) - Physician-patient (KSA § 60-427) - Marital privilege (KSA § 60-428) - Penitential communication privilege (KSA § 60-429) |
| Kentucky | Confidentiality between sexual assault counselor and victim. | Ky. R. Evid. § 506 | A sexual assault counselor is a person engaged in a rape crisis center, who has undergone 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. | <ul style="list-style-type: none"> - Counselor-client (KRE § 506) - Psychotherapist-patient (KRE § 507) - Attorney-client (KRE § 503) - Husband-wife (KRE § 504) - Religious privilege (KRE § 505) |

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| | | | <p>Exceptions: if the client is asserting his physical, mental, or emotional condition as an element of a claim of 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; or if the judge finds the substance of the communication is relevant to an essential issue in the case, there are no available alternate means to obtain the substantial equivalent of the communication, and 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>Louisiana</p> | <p>Confidentiality between representatives or employees of community shelter and victim.</p> | <p>LSA-R.S. 46:2124.1</p> | <p>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.</p> <p>All law enforcement or judicial agencies shall provide a private setting for all interviewing of victims of crime. “Private setting” shall mean an enclosed room from which the occupants are not visible or otherwise identifiable and whose conversations</p> | <ul style="list-style-type: none"> - Spousal privilege (LSA-C.E. Art. 504-505) - Attorney-client (LSA-C.E. Art. 506) - Health care provider-patient (LSA-C.E. Art. 510) - Communications to clergymen (LSA-C.E. Art. 511) - Trained Peer Support Member privilege (LSA-C.E. Art. 518) |

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| | | | cannot be heard from outside such room. Only those persons directly and immediately related to the interviewing of the victim, specifically the victim, a social worker, psychologist, or other professional, the victim advocate designated by the sheriff's office, or a representative from a not-for-profit victim service organization, including but not limited to rape crisis centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups providing emotional support to the victim, shall be present, unless the victim requests the exclusion of such person from the interview, and, when appropriate, the parent or parents of the victim. | |
| Maine | Confidentiality between sexual assault counselor or advocate or rape crisis center and victim. | 16 Me. Rev. Stat. Ann. §§ 53-A, 53-B | Sexual assault counselor means a person who has: 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 is either a staff member, paid or unpaid, or under the supervision of a staff member of a rape crisis center. Advocate means an employee or volunteer for a nongovernmental program for victims of domestic or family violence, who has undergone | <ul style="list-style-type: none"> - Attorney-client (MRE Rule 502) - Health Care Professional, Mental Health Professional, Licensed Counseling Professional-patient (MRE Rule 503) - Husband-wife (MRE Rule 504) - Religious privilege (MRE Rule 505) |

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| | | | <p>at least 30 hours of training, has a primary function with the program, counsels or assists victims, supervises employees or volunteers who perform that function or administer the program.</p> <p>Exceptions: when a court in the exercise of sound discretion deems the disclosure necessary to the proper administration of justice.</p> | |
| Maryland | No confidentiality | MD Code, Courts and Judicial Proceedings § 9-109 | | <ul style="list-style-type: none"> - Spousal privilege (MD CTS & JUD PRO § 9-106, 107) - Attorney-client (MD CTS & JUD PRO § 9-108) - Patient-therapist (MD CTS & JUD PRO § 9-109) - Professional Counselor-client (MD CTS & JUD PRO § 9-109.1) - Client-Psychiatric Nursing Specialist (MD CTS & JUD PRO § 9-109.1) - Accountant-client (MD CTS & JUD PRO § 9-110) - Clergy Person privilege (MD CTS & JUD PRO § 9-111) - News Media privilege (MD CTS & JUD PRO § 9-112) - Interpreter privilege (MD CTS & JUD PRO § 9-114) - Social Worker-client (MD CTS & JUD PRO § 9-121) |
| Massachusetts | Confidentiality between sexual | Mass. Gen. L Ann. Ch. 233 | A sexual assault counselor is a person who is employed by or is a volunteer | - Husband-wife (M.G.L.A. 233 § 20) |

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| | <p>assault counselor and domestic violence victims' counselor and victim; and confidentiality of domestic violence victims' program and rape crisis center locations.</p> | <p>§ 20J, 20K, 20L</p> | <p>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>A domestic violence victims' counselor is a person who is employed or volunteers in a domestic violence victims' program, who has undergone a minimum of twenty-five hours of training and 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 purpose is the rendering of advice, counseling or assistance to victims of abuse.</p> <p>Exceptions: In criminal actions such confidential communication shall be subject to discovery and shall be admissible as evidence but only to the extent of information contained therein which is exculpatory in relation to the defendant; provided, however, that the court shall first examine such confidential communication and shall determine whether or not such exculpatory</p> | <p>- Communications with Clergymen (M.G.L.A. 233 § 20A) - Psychotherapist-patient (M.G.L.A. 233 § 20B) - Attorney-client (MA R S CT RULE 3:07 RPC Rule 1.6)</p> |

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| | | | information is therein contained before allowing such discovery or the introduction of such evidence. | |
| Michigan | Confidentiality between sexual assault or domestic violence counselor and victim. | Mich. Comp. Laws Ann. § 600.2157a | <p>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>Exceptions: 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> | <ul style="list-style-type: none"> - Physician-patient (M.C.L.A. § 600.2157). - Minister, Priest, Christian Science Practitioner privilege (M.C.L.A. § 600.2156) - Reporter-informant (M.C.L.A. § 767.5a(1)) - Attorney-client (M.C.L.A. § 767.5a(2)) - Psychologist-patient (M.C.L.A. § 333.18237) - Husband-wife (M.C.L.A. § 600.2162) |
| Minnesota | Confidentiality between sexual assault counselor or domestic violence counselor and victim. | MN ST § 13.822; (Minn. Stat. Ann. § 595.02(k): Proposed Legislation) | A 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, | <ul style="list-style-type: none"> - Attorney-client (52 M.S.A., Rules of Prof.Conduct, Rule 1.6) - Husband-wife - Clergy Member privilege - Licensed Physician, Surgeon, Dentist, Chiropractor-patient - Registered nurse-patient |

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| | | | <p>counseling, or assistance to victims of sexual assault.</p> <p>Domestic abuse advocate, for the purposes of this section, 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> <p>Exceptions: in investigations or proceedings related to neglect or termination of parental rights if 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 (reporting maltreatment of minors) and 626.557 (reporting maltreatment of vulnerable adults).</p> | <p>- Psychologist, consulting psychologist-patient - Licensed Social Worker-client - Interpreter privilege - Chemical Dependency Counselor-client (M.S.A. § 595.02—Proposed Legislation)</p> |

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| Mississippi | No confidentiality. | N/A | Address Confidentiality Program: Miss. Code Ann. § 99-47-1. | <ul style="list-style-type: none"> - Licensed Professional Counselor-client (M.S.A. § 73-30-17) - Attorney-client (M.R.E. Rule 502) - Psychologist-patient (M.S.A. § 73-31-29) - Physician-patient (M.R.E. Rule 503) - Psychotherapist-patient (M.R.E. Rule 503) - Husband-wife (M.R.E. Rule 504) - Priest-penitent (M.R.E. Rule 505) |
| Missouri | Confidentiality between shelters and victims. | V.A.M.S. 455.220 | Law requires persons employed by or volunteering services to the shelter to maintain the confidentiality of any information that would identify individuals served by the shelter. | <ul style="list-style-type: none"> - Attorney-client (V.A.M.S. § 491.060(3)) - Religious privilege (V.A.M.S. § 491.060(4)) - Physician-patient (V.A.M.S. § 491.060(5)) - Chiropractor-patient (V.A.M.S. § 491.060(5)) - Dentist-patient (V.A.M.S. § 491.060(5)) - Psychologist-patient (V.A.M.S. § 491.060(5)) - Professional Counselor-client (V.A.M.S. § 337.540) - Social Worker-client (V.A.M.S. § 337.636) |
| Montana | Confidentiality between advocate and victim. | M.C.A. § 26-1-812 | Advocate means an employee or volunteer of a domestic violence shelter, crisis line, or victim's services | <ul style="list-style-type: none"> - Spousal privilege (M.C.A. § 26-1-802) - Attorney-client (M.C.A. § 26-1- |

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| | | | <p>provider that provides services for victims of sexual assault, stalking, or any assault on a partner or family member.</p> <p>Exceptions: if a report is otherwise required by law.</p> | <p>803)</p> <ul style="list-style-type: none"> - Clergy privilege (M.C.A. § 26-1-804) - Doctor-patient (M.C.A. § 26-1-805) - Speech Language Pathologist, Audiologist-client (M.C.A. § 26-1-806) - Psychologist-client (M.C.A. § 26-1-807) - Employee of Education Institution-student (M.C.A. § 26-1-809) - Public Officer privilege (M.C.A. § 26-1-810) |
| Nebraska | <p>Confidentiality between victim and victim advocate regarding any criminal, civil, legislative, administrative, or other proceeding where the victim advocate is asked to give testimony or produce records, subject to a few exceptions.</p> | Neb. Rev. Stat. § 29-4303 | <p>Advocate means any employee or supervised volunteer of a domestic violence and sexual assault victim assistance program or of any other agency, business, or organization that is not affiliated with a law enforcement or prosecutor's office, whose primary purpose is assisting domestic violence and sexual assault victims (Neb. Rev. Stat. § 29-4302).</p> | <ul style="list-style-type: none"> - Attorney-client (Neb. Rev. St. § 27-503) - Physician-patient (Neb. Rev. St. § 27-504) - Licensed Professional Counselor-victim (Neb. Rev. St. § 27-504) - Husband-wife (Neb. Rev. St. § 27-505) - Clergyman privilege (Neb. Rev. St. § 27-506) |
| Nevada | <p>Confidentiality between victim advocate and victim.</p> | Nev. Stat. § 49.2546 | <p>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> | <ul style="list-style-type: none"> - Attorney-client (N.R.S. § 49.095) - Accountant-client (N.R.S. § 49.185) - Psychologist-patient (N.R.S. § 49.209) |

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| | | | <p>The privilege provided pursuant to NRS 49.2547 may be claimed by:</p> <p>(a) The victim;</p> <p>(b) The guardian or conservator of the victim;</p> <p>(c) The personal representative of a deceased victim; and</p> <p>(d) The victim's advocate, but only on behalf of the victim.</p> <p>2. The authority of a victim's advocate to claim the privilege is presumed in the absence of evidence to the contrary. Nev. Rev. Stat. Ann. § 49.2548 (West)</p> | <ul style="list-style-type: none"> - Doctor-patient (N.R.S. § 49.225) - Marriage and Family Therapist-client (N.R.S. § 49.247) - Clinical Professional Counselor-client (N.R.S. § 49.2504) - Social Worker-client (N.R.S. § 49.252) - Confessor-confessant (N.R.S. § 49-255) - News Media privilege (N.R.S. § 49.275) - Counselor, Teacher-pupil (N.R.S. § 49.290-291) - Husband-wife (N.R.S. § 49.295) |
| <p>New Hampshire</p> | <p>Confidentiality between victim and sexual assault counselor or domestic violence counselor.</p> | <p>NH Rev. Stat. § 173-C:1 to C:10</p> | <p>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. (N.H. Rev. Stat. Ann. § 173-C:1).</p> <p>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</p> | <ul style="list-style-type: none"> - Attorney-client (NH R Rev Rule 502) - Physician, Surgeon-patient (NH R Rev Rule 503) - Psychologist, Pastoral Counselor-client (NH R Rev Rule 503) - Husband-wife (NH R Rev Rule 504) - Religious Privilege (NH R Rev Rule 505) - Chiropractor-client (NH Rev. Stat. § 316-A:27) - Mental Health Professional-client (NH Rev. Stat. § 330-A:32) - Family Mediator privilege (NH Rev. Stat. § 328-C:9) - Social Worker-client (NH Rev. |

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| | | | bona fide program (N.H. Rev. Stat. Ann. § 173-C:1). | Stat. § 330-A:18) |
| New Jersey | Confidentiality between a victim and a victim counselor. | N.J. Stat. Ann. § 2A:84A-22.15 (West) | 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) (N.J. Stat. Ann. § 2A:84A-22.14 (West)). | <ul style="list-style-type: none"> - Attorney-client (NJ Stat. Ann. Rule 504) - Psychologist-patient (NJ Stat. Ann. Rule 505) - Physician-patient (NJ Stat. Ann. Rule 506) - Newsperson’s privilege (NJ Stat. Ann. Rule 508) - Marital privilege (NJ Stat. Ann. Rule 509) - Marriage Counselor-client (NJ Stat. Ann. Rule 510) - Priest-penitent (NJ Stat. Ann. Rule 511) - Social Worker-client (NJ Stat. Ann. Rule 518) - Mediator privilege (NJ Stat. Ann. Rule 519) |
| New Mexico | Confidentiality between victim and victim counselor. | N.M. Stat. Ann. §§ 31-25-1 through -6 | 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. | <ul style="list-style-type: none"> - Attorney-client (NMRA Rule 11-503) - Physician-patient (NMRA Rule 11-504) - Psychotherapist-patient (Rule 11-504) - Husband-wife (NMRA Rule 11-505) - Clergy privilege (NMRA Rule 11-506) - Probation Officer, Social Services Worker-client (NMRA Rule 11-509) |
| New York | Confidentiality | N.Y. C.P.L.R. | Rape crisis counselor means any | - Attorney-client (NY CPLR § |

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| | between rape crisis counselor and victim. | 4510 (McKinney, Proposed Legislation) | 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. | 4503- Proposed Legislation) - Spouse privilege (NY CPLR § 4502) - Physician, Dentist, Podiatrist, Chiropractor, Nurse-patient (NY CPLR § 4504) - Clergy privilege (NY CPLR § 4505) - Psychologist-client (NY CPLR § 4507) - Social Worker-client (NY CPLR § 4508) |
| North Carolina | Confidentiality between victim and agent of a rape crisis center or domestic violence program. Agent cannot 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. | N.C. Gen. Stat. § 8-53.12 | Agent means 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. N.C. Gen. Stat. Ann. § 8-53.12 (West) | - Attorney-client (Rules Civ. Proc., G.S. § 1A-1, Rule 26-Proposed Legislation) - Physician-patient (NC ST § 8-53) - Clergymen-communicants (NC ST § 8-53.2) - Psychologist-client/patient (NC ST § 8-53.3) - School Counselor privilege (NC ST § 8-53.4) - Licensed Marital and Family Therapist-client(s) (NC ST § 8-53.5) - Social Worker privilege (NC ST § 8-53.7) - Counselor-client (NC ST § 8-53.8) - Optometrist-patient (NC ST § 8-53.9) - Peer Support Group Counselors privilege (NC ST § |

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| | | | | 8-53.10) - Journalist privilege (NC ST § 8-53.11) - Nurse-patient (NC ST § 8-53.13) - Husband-wife (NC ST § 8-56 through 57.1) |
| North Dakota | Confidentiality between victim and all agents, employees, and volunteers participating in a domestic violence or sexual assault program. | N.D. Cent. Code § 14-07.1-18 | Exceptions include: a. A client consents to the release of information that relates only to that client or the client's dependents; 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; c. 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 | - Attorney-client (N.D.R.Ev. Rule 502) - Physician-client (N.D.R.Ev. Rule 503) - Psychotherapist-client (N.D.R.Ev. Rule 503) - Husband-wife (N.D.R.Ev. Rule 504) - Religious privilege (N.D.R.Ev. Rule 504) |

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| | | | d. An agent, employee, or volunteer working with a domestic violence or sexual assault program has knowledge or reasonable cause to suspect a child has been abused or neglected as defined by section 50-25.1-02. | |
| Ohio | N/A | N/A | N/A | <ul style="list-style-type: none"> - Attorney-client (R.C. § 2317.02(A)) - Physician, Dentist-patient (R.C. § 2317.02(B)) - Clergy privilege (R.C. § 2317.02(C)) - Husband-wife (R.C. § 2317.02(D)) - School Guidance Counselor-client - Professional Clinical Counselor-client - Professional Counselor-client - Social Worker-client - Independent Social Worker-client - Marriage and Family Therapist or Independent Marriage and Family Therapist-client (R.C. § 2317.02(G)) - Mediator privilege (R.C. § 2317.02(H)) - Chiropractor-patient (R.C. § 2317.02(J)) - When a shelter for victims of domestic violence provides accommodations to a person, the |

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| | | | | <p>shelter, on admitting the person, shall determine, if possible, the person's last known residential address and county of residence. The information concerning the address and county of residence is confidential and may be released only to a public children services agency pursuant to section 2151.422 of the Revised Code (R.C. § 3113.40)</p> |
| <p>Oklahoma</p> | <p>Confidentiality between state and local agencies and victims who have relocated.</p> | <p>22 Okl. Ann. § 60.14.</p> | <p>The purpose of this section is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic abuse, sexual assault, or stalking, to enable interagency cooperation with the Attorney General in providing address confidentiality for victims of domestic abuse, sexual assault, or stalking, and to enable state and local agencies to accept an address designated by the Attorney General by a program participant as a substitute mailing address.</p> | <ul style="list-style-type: none"> - Attorney-client (12 Okl. St. Ann. § 2502—Proposed Legislation) - Accountant-client (12 Okl. St. Ann. §2502.1) - Physician-patient (12 Okl. St. Ann. § 2503) - Psychotherapist-patient (12 Okl. St. Ann. § 2503) - Interpreter for the Deaf or Hard-of-Hearing privilege (12 Okl. St. Ann § 2503.1) - Spousal privilege (12 Okl. St. Ann. § 2504) - Religious privilege (12 Okl. St. Ann. § 2505) - Journalist’s privilege (12 Okl. St. Ann. § 2506) - Peer Support Counseling confidentiality (12 Okl. St. Ann. § 2506.2) |
| <p>Oregon</p> | <p>N/A</p> | <p>N/A</p> | <p>N/A</p> | <ul style="list-style-type: none"> - Attorney-client (O.R.S. § 40.225 Rule 503) |

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| | | | | <ul style="list-style-type: none"> - Psychotherapist-patient (O.R.S. § 40.230 Rule 504) - Physician-patient (O.R.S. § 40.235 Rule 504-1) - Nurse-patient (O.R.S. § 40.240 Rule 504-2) - School Employee-student (O.R.S. § 40.245 Rule 504-3) - Regulated Social Worker-client (O.R.S. § 40.250 Rule 504-4) - Husband-wife (O.R.S. § 40.255 Rule 505) - Clergy Member-penitent (O.R.S. § 40.260 Rule 506) - Counselor-client (O.R.S. § 40.262 Rule 507) - Stenographer-employer (O.R.S. § 40.265 Rule 508A) - Public Officer privilege (O.R.S. § 40.270 Rule 209) - Sign Language Interpreter privilege (O.R.S. § 40.272 Rule 509-1) - Interpreter privilege (O.R.S. § 40.273 Rule 509-2) |
| Pennsylvania | <p>Confidentiality between a victim and a domestic violence counselor/advocate or a co participant who is present during domestic violence counseling/advocacy.</p> | <p>23 Pa. Cons. Stat. Ann. § 6116, 42 Pa.C.S.A. § 5945.1</p> | <p>A domestic violence counselor/advocate is an individual who is engaged in a domestic violence program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence, who has undergone 40 hours of training (23 Pa. Cons. Stat. Ann. § 6102 (West)).</p> <p>Sexual assault counselor means a</p> | <ul style="list-style-type: none"> - Attorney-client (Rules of Prof. Conduct, Rule 1.6, 42 Pa.C.S.A.) - Husband-wife (42 Pa.C.S.A. § 5923) - News Reporter privilege (42 Pa.C.S.A. § 5942) - Clergymen privilege (42 Pa.C.S.A. § 5943) - Psychiatrist, Licensed Psychologist-patient (42 |

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| | <p>No sexual assault counselor or an interpreter translating the communication between a sexual assault counselor and a victim may, without the written consent of the victim, disclose the victim's confidential oral or written communications to the counselor nor consent to be examined in any court or criminal proceeding.</p> | | <p>person who is engaged in any office, institution or center defined as a rape crisis center under this section, who has undergone 40 hours of sexual assault 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.</p> | <p>Pa.C.S.A. § 5944) - School Personnel privilege (42 Pa.C.S.A. § 5945) - Peer Support Member privilege (42 Pa.C.S.A. § 5952) - Physician-patient (42 Pa.C.S.A. § 5929) - Interpreter, Translator privilege (63 P.S. § 1725.7) - Crime Stopper, Anticrime Program privilege (42 Pa.C.S.A. 5945.2)</p> |
| <p>Rhode Island</p> | <p>Confidentiality between victim and sexual assault counselor. (Proposed Statute).</p> | <p>R.I. Const. art. I, § 10</p> | <p>Proposed statute would make communications privileged between sexual assault victim and sexual assault counselor. It would also provide for an in-camera hearing to permit trial judge to determine whether the counselor knows or has possession of material that is exculpatory in nature. An in-camera hearing would also ensure that no sensitive and irrelevant evidence is presented to the trier of fact. This strikes the requisite balance between an accused's constitutional right at</p> | <p>- Attorney-client (Sup.Ct.Rules, Art. V, Rules of Prof.Conduct, Rule 1.6) - Physician-patient (RI ST § 9-17-24) - Clergy privilege (RI ST § 9-17-23) - Interpreter privilege (RI ST § 9-17-25) - Mental Health Counselor-client (RI ST § 5-63.2-18) - Marriage and Family Therapist-client (RI ST § 5-63.2-18)</p> |

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| | | | <p>trial and sexual assault victim's need for confidentiality in regard to any conversations between victim and counselor. R.I. Const. art. I, § 10</p> <p>See also <u>Advisory Opinion to the House of Representatives</u>, 469 A.2d 1161, 1166-67 (R.I. 1983)</p> <p>1. "Rape crisis center" shall mean any publicly or privately funded agency, institution, or facility, duly incorporated under the laws of this state, having as its purpose reducing 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 the crime of sexual assault.</p> <p>2. "Sexual assault counselor" shall mean a person who (a) has undergone twenty (20) or more hours of training from a rape crisis center which shall include but not be limited to the following areas: law, medicine, societal attitudes, crisis intervention, counseling techniques, and referral services; and, (b) is either a staff member, or under the supervision of a staff member, of a rape crisis center.</p> <p>3. "Sexual assault victim" shall mean a person who consults a sexual assault counselor for the purpose of securing information, counseling, or</p> | <p>- Psychiatrist, Psychologist-client (Gen.Laws 1956, § 5-37.3)</p> |

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| | | | <p>assistance concerning a mental, physical, or emotional condition caused by a sexual assault.</p> <p>4. "Confidential communication" shall mean any communication between a sexual assault victim and a sexual assault counselor obtained in his or her professional capacity in the course of rendering assistance or counseling to the sexual assault victim.</p> | |
| South Carolina | N/A | N/A | N/A | <ul style="list-style-type: none"> - Attorney-client (Rule 407, SCACR, Rules of Prof. Conduct, Rule 1.6) - Physician-patient (Code 1976 § 44-115-40) - Mental Health Provider-patient (Code 1976 § 19-11-95) |
| South Dakota | <p>Any program or shelter must have confidentiality of identity, location, records, and information pertaining to any person to whom services are or were provided, in order to receive funding.</p> | SDCL § 25-10-28 (West 2011) | <p>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> <p>(1) Crisis telephone and referral services available twenty-four hours per day, seven days per week;</p> <p>(2) Shelter available twenty-four hours per day, seven days per week;</p> <p>(3) Prevention and education programs periodically available to the local community;</p> <p>(4) Victim advocacy; and</p> <p>(5) Confidentiality of identity, location, records, and information</p> | <ul style="list-style-type: none"> - Attorney-client (SDCL § 19-13-2) - Physician-patient (SDCL § 19-13-6) - Psychotherapist-patient (SDCL § 19-13-6) - Husband-wife (SDCL § 19-13-12) - Religious privilege (SDCL § 19-13-16,17) - School Counselor-student (SDCL § 19-13-21.1 and 2) - Sign Language Interpreter privilege (SDCL § 19-13-31) - Social Worker-client (SDCL § 36-26-30) |

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| | | | pertaining to any person to whom services are or were provided. | |
| Tennessee | Confidentiality between domestic violence shelters and rape crisis centers and victims. | Tenn. Code Ann. § 36-3-623 | The records of domestic violence shelters and rape crisis centers shall be treated as confidential by the records custodian of such shelters or centers, unless the individual to whom the records pertain authorizes their release; or a court approves a subpoena for the records, subject to such restrictions as the court may impose, including in camera review. | <ul style="list-style-type: none"> - Attorney, Private Investigator-client (TN ST 24-1-209) - Marital privilege (TN ST § 24-1-207) - Clergy privilege (TN ST § 24-1-206) - Physician-patient, Psychiatrist-patient (TN ST § 24-1-207) - News Media privilege (TN ST § 24-1-208) - Interpreter privilege (TN ST § 24-1-210,211) |
| Texas | Confidentiality between advocate and survivor, or person claiming to be a survivor, except for use in a criminal investigation or proceeding in response to a subpoena issued in accordance with law. | Tex. Govt Code Ann. § 420.071 (Vernon) | Advocate means a person who provides advocacy services as an employee or volunteer of a sexual assault program (Tex. Govt Code Ann. § 420.003 (Vernon)). | <ul style="list-style-type: none"> - Attorney-client (TX R Evid Rule 503) - Husband-wife (TX R Evid Rule 504) - Clergy privilege (TX R Evid Rule 505) - Physician-patient (TX R Evid Rule 509) - Mental Health Professional-patient (TX R Evid Rule 510) |
| Utah | Confidentiality between a victim and a sexual assault counselor. | U.C.A. 1953 § 77-38-201 to 204 | <p>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.</p> <p>Exceptions include: (1) the victim is a minor and the</p> | <ul style="list-style-type: none"> - Husband-wife (UT R Rev Rule 502) - Clergy privilege (UT R Rev Rule 503) - Attorney-client (UT R Rev Rule 504) - Physician-patient (UT R Rev Rule 506) - Mental Health Therapist-patient (UT R Rev Rule 506) - News Reporter privilege (UT R |

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| | | | <p>counselor believes it is in the best interest of the victim to disclose the confidential communication to the victim's parents;</p> <p>(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;</p> <p>(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; or</p> <p>(4) the counselor has an obligation under Title 62A, Chapter 4a, Child and Family Services, to report information transmitted in the confidential communication (Utah Code Ann. § 77-38-204 (West)).</p> | <p>Rev Rule 509)</p> |
| <p>Vermont</p> | <p>Confidentiality between victim and crisis worker</p> | <p>Vt. Stat. Ann. Tit. 12 § 1614(b)</p> | <p>Crisis worker means an employee or volunteer who 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; has undergone 20 hours of training and works under the direction of a supervisor of the program, supervises employees or</p> | <ul style="list-style-type: none"> - Attorney-client (VT R Rev Rule 502) - Physician, Dentist, Nurse-patient (VT R Rev Rule 503) - Mental Health Professional-patient (incl. Psychologist, Social Worker) (VT R Rev Rule 503) - Husband-wife (VT R Rev Rule 504) - Religious privilege (VT R Rev Rule 505) |

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| | | | volunteers, or administers the program; and is certified by the director of the program. | |
| Virginia | Confidentiality between programs and individuals providing services to victims of sexual assault or domestic violence and victims. | Va. Code Ann § 63.2-104.1(B) | <p>Programs shall include public and not-for profit agencies the primary mission of which is to provide services to victims of sexual or domestic violence.</p> <p>If release of information described in subsection B is compelled by statutory or court mandate, the service provider shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.</p> | <ul style="list-style-type: none"> - Attorney-client (VA R S CT PT 6 § 2 RPC Rule 1.6) - Marital privilege (VA ST § 8.01-398) - Physician-patient (VA ST § 8.01-399) - Religious privilege (VA ST § 8.01-400) - Interpreter privilege (VA ST § 8.01-400.1, 406) - Mental Health Professional-client (incl. Licensed Professional Counselor, Clinical Social Worker, Psychologist, Marriage and Family Therapist) (VA ST § 8.01-400.2) |
| Washington | Confidentiality between victim and sexual assault advocate or domestic violence advocate. | Rev. Code of Wash. Ann § 5.60.060 | <p>Sexual assault advocate means the employee or volunteer from a rape crisis center, 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>Wash. Rev. Code Ann. § 5.60.060</p> | <ul style="list-style-type: none"> - Attorney, Counselor-client - Spousal privilege - Clergy privilege - Physician, Surgeon, Osteopathic or Podiatric Physician or Surgeon-patient - Public Officer privilege - Peer Support Group Counselor-client - Mental Health Counselor-client - Independent Clinical Social Worker-client - Marriage and Family Therapist-client |

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| | | | (West) | (WA ST § 5.60.060) |
| West Virginia | Confidentially between domestic violence program or shelter and victim, IF the program receives funds from the state. | W.Va. Code § 48-26-701 | <p>Shelter or family protection shelter means a licensed domestic violence shelter created for the purpose of receiving, on a temporary basis, persons who are victims of domestic violence, abuse or rape as well as the children of such victims. Family protection program or program means a licensed domestic violence program offered by a locally controlled organization primarily for the purpose of providing services to victims of domestic violence or abuse and their children.</p> <p>Requirement to disclose information pursuant to a court order is an exception to confidentiality.</p> | <ul style="list-style-type: none"> - Attorney-client (Rules of Prof. Conduct, Rule 1.6) - Mental Health Professional-patient (WV ST § 27-3-1— Proposed Legislation) - Licensed Professional Counselor-client (WV ST § 30-31-16) - Social Worker-client (WV ST § 30-30-24) - Physician-patient (W. Va. Code, § 30-3-9) |
| Wisconsin | Confidentiality between victim and domestic violence or sexual assault advocate. | WSA § 905.045 | 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. | <ul style="list-style-type: none"> - Physician-patient - Registered Nurse-patient - Chiropractor-patient - Psychologist-patient - Social worker-patient - Marriage and Family Therapist-patient - Podiatrist-patient - Professional Counselor-patient (W.S.A. 905.04) - Interpreter privilege (W.S.A. 905.015) - Attorney-client (W.S.A. 905.03) - Husband-wife (W.S.A. 905.05) - Clergy privilege (W.S.A. |

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| | | | | 905.06) |
| Wyoming | Confidentiality between victim and family violence or sexual assault advocate. Confidentiality provision only relates to examination of a witness. | Wyo. Stat. § 1-12-116(b)(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. | <ul style="list-style-type: none"> - Attorney-client - Physician-patient - Religious privilege - Husband-wife (W.S.1977 § 1-12-101) |
| Guam | Confidentiality between trafficking victim and human trafficking caseworker. | 9 G.C.A. § 26.40 | “Human trafficking caseworker” means a person who is employed by any organization whether financially compensated or not, for the purpose of rendering advice or assistance to victims of human trafficking, who has received specialized training in the counseling of victims of trafficking in persons, and who meets one of the following requirements: (1) holds a bachelor's degree or higher in counseling or a related field; or has one year of counseling experience, at least six months of which is in the counseling of victims of trafficking in persons; or (2) has at least 40 hours of training as specified in this paragraph and is supervised by an individual who qualifies as a counselor under subparagraph (1) or by a psychotherapist. The training, | <ul style="list-style-type: none"> -Attorney-client privilege -Spousal privilege -Physician-patient privilege -Psychotherapist privilege -Clergyman-penitent privilege (6 G.C.A. § 504) -Disclosing location of trafficking victim, trafficking shelter, or domestic violence shelter is a misdemeanor. (9 G.C.A. § 26.41). |

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| | | | supervised by a person qualified under subparagraph (1), shall include, but need not be limited to, the following areas: history of human trafficking, civil and criminal law as it relates to human trafficking, societal attitudes towards human trafficking, peer counseling techniques, housing, public assistance and other financial resources available to meet the financial needs of trafficking victims, and referral services available to trafficking victims. A portion of this training must include an explanation of privileged communication. | |
| Puerto Rico | Confidentiality between crime victim and his/her counselor. | T. 32 Ap. I, Rule 26-A | <i>Counselor.</i> — Any person duly authorized, certified or licensed by the Commonwealth of Puerto Rico to carry out the functions of a counselor, orientator, consultant, therapist or any employee or supervised volunteer of a help and counseling center that offers treatment and help to crime victims. | <ul style="list-style-type: none"> -Attorney-client privilege -Spousal privilege -Clergyman-penitent privilege -Physician-patient privilege -Accountant-client privilege (T.32, Ap.I Rules 25-30). |
| Virgin Islands | No confidentiality | | | <ul style="list-style-type: none"> -Attorney-client privilege -Physician-patient privilege -Marital privilege -Priest-penitent privilege (5 V.I.C. § 854-57). |