MCBW Minnesota Coalition for Battered Women

Advocate's Confidentiality Guide: *When Can I Share a Survivor's Information?*

Last Updated: June 2017

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I. Introduction: Why Does Confidentiality Matter?

As a domestic violence advocate confidentiality is one of the most important aspects of your work. Not only must you comply with certain confidentiality rules in order to receive federal funding, but implementing strict confidentiality practices better serves the survivors who seek your help.

For many survivors of intimate partner violence, their privacy and confidentiality is paramount to their safety. Advocates play a significant role in ensuring that privacy and confidentiality. Revealing personally identifying information about survivors who seek services without the survivors' permission or knowledge can jeopardize the survivor's path to safety.

Survivors tell us their stories with the expectation that we will support them, and a large part of this support comes from keeping what they tell us private. A survivor retains the right to choose when, how, and what personal information will be shared, or not shared, and with whom. We have an obligation to protect this information, and only share it when a survivor gives us permission.

Yet as advocates, law requires us to share information in certain instances, like mandatory reporting. Also, we may sometimes wish to share information with our community partners, such as law enforcement agencies, other government agencies, health service providers, or data collection initiatives, in an effort to improve outcomes for survivors.

This guide explains the confidentiality requirements for domestic violence advocates in Minnesota. It provides information on when it is not permitted, is permitted, and is required to share a survivor's information with individuals outside your program.

While this guide provides a general overview of confidentiality law in Minnesota, each survivor's situation will be different. If you need technical assistance on a specific incident, please contact MCBW at (651) 646-6177.

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II. Domestic Violence Advocate Confidentiality in Minnesota

What confidentiality law should Minnesota domestic violence advocates follow?

Domestic violence advocates **should follow the law with the strongest protections of survivor information.** Most Minnesota domestic violence advocates are subject to the confidentiality requirements of the following laws:

- Violence Against Women Act (VAWA): Federal law that provides funds to domestic violence programs throughout the country. Programs who receive VAWA funds may not share a survivor's personally identifying information without the survivor's consent, unless a state law or valid court order requires the advocate to share information. Programs must take certain steps (e.g., notify survivor) when required to share survivor information.
- Family Violence Prevention and Services Act (FVPSA): Federal law that provides federal funds to domestic violence programs throughout the country. FVPSA's confidentiality requirements mirror VAWA.
- Victims of Crime Act (VOCA): Federal law that provides funds to domestic violence programs throughout the country. VOCA's confidentiality requirements mirror VAWA.
- Minn. Stat. § 595.02(l): Minnesota law that prohibits domestic violence advocates from testifying about a survivor's information without the survivor's consent, unless, after weighing certain factors, a court orders the advocate to share the information.
- Minn. Stat. Chapter 5B: Minnesota law establishing and governing the Safe at Home program, which allows survivors to use a P.O. Box address as a substitute address for all purposes.
- Minn. Stat. Chapter 13: Personal history information and information from which the identity or location of a victim can be determined are private data under the Minnesota Government Data Practices Act.

In almost all cases, **VAWA** is the strongest and most protective confidentiality law in Minnesota, and advocates should follow VAWA's confidentiality requirements.

Even if your program is not subject to VAWA, or you are unsure if it is, **it is best practice to follow the strongest and most protective confidentiality laws, so you should still follow VAWA.**

What confidentiality law do tribal programs follow?

VAWA covers tribal programs, so tribal programs will also follow VAWA's confidentiality requirements.

What laws apply when working with survivors who are Safe at Home participants?

If you are working with a survivor who is enrolled in Safe at Home, the survivor's information is governed by Minnesota Stat. Chapter 5B and possibly the Minnesota Government Data Practices Act, in addition to VAWA. Any questions about how to handle the survivor's information should be addressed to the Safe at Home office at (651) 201-1399.

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III. VAWA Confidentiality Requirements

VAWA prohibits advocates from sharing a survivor's personally identifying information.

What is personally identifying information?

Personally identifying information includes "information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected." (42 U.S.C. § 13925 (b)(2)(B)(i)). Examples include:

(a) a first and last name;
(b) a home or other physical address;
(c) contact information (including a postal, e-mail, or IP address, or a telephone or fax number);
(d) a social security number, driver's license number, passport number, or student identification number; and
(e) any other information, including date of birth, racial or ethnic background, or religious affiliation, that could be used to identify the survivor (45 CFR 1370.2)

Does VAWA contain any exceptions which make it okay or require an advocate to share a survivor's information?

Yes, you may share a survivor's personally identifying information when:

1) the survivor has given a written, informed, reasonably time-limited consent to share their information (42 U.S.C. § 13925 (b)(2)(B)(ii));
2) state or tribal law requires you to share information (e.g., mandatory reporting law) (42 U.S.C. § 13925 (b)(2)(C)); or
3) a specific, valid court order requires you to share information (42 U.S.C. § 13925 (b)(2)(C)).

You can only share a survivor's personally identifying information if one of these three factors are present.

If a VAWA exception is present, and an advocate must share a survivor's information, what should an advocate do?

You should:

(1) immediately inform the victim (if they do not already know) that you will need to share their personal information (42 U.S.C. § 13925 (b)(2)(C)); and

(2) share only the information required by the mandated reporting statute or court order, nothing more (42 U.S.C. § 13925 (b)(2)(C)).

Can I Share Information About a Survivor?

VAWA Flowchart

Step 1

Am I being asked to share, or do I want to share, information that could disclose the location or identity of the survivor?

YES – Proceed to Step 2.

Step 2

Has the survivor given me a written, informed, reasonably time-limited consent to share the information?

NO – Proceed to Step 3.

YES – You may share only the information the survivor consented to share.

Step 3

Does the information relate to neglect, physical abuse, or sexual abuse of a child by a parent/guardian or other actor whom I am required to report under Minnesota's mandatory reporting law?

NO – Proceed to Step 4.

YES – You may share only the information necessary to make the report and must immediately tell the survivor you are sharing their information.

Step 4

After a hearing where the court weighed the need for the survivor's information against the potential harm to the survivor if it is shared, has a court issued an order requiring me to release the survivor's information?

NO – You cannot share the information.

YES – You may share only the information specified in the court order and must immediately tell the survivor you are sharing their information.

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IV. VAWA Exceptions: When Can/Must an Advocate Share a Survivor's Information

A. Consent

Advocates may share a survivor's information when the survivor has provided a written, informed, reasonably time-limited consent. (42 U.S.C. § 13925 (b)(2)(B)(ii)).

You may only share the information that the survivor specifically consents to sharing, and may only share the information with those individuals with whom the survivor agreed to share their information.

The National Network to End Domestic Violence (NNEDV) has developed many resources regarding survivor consent to release information. Programs should look to NNEDV's website for answers to questions regarding written releases.

Written:

A survivor's consent to release information must be written. NNEDV has a VAWA-compliant release form template that you may use.

You should obtain a new written consent from a survivor every time a new piece of information needs to be shared, or you need to share the survivor's information with a new individual or agency.

What if there is an urgent situation where an advocate needs to release a survivor's personal information, but the survivor lives too far away to provide a written release?

While VAWA requires a *written* release from a survivor, reality means that there will be situations when written consent is not immediately possible. In these situations, you can obtain an immediate release from the survivor over the phone, as long as you follow up with the survivor to sign a written release as soon as possible. Make sure the advocate who calls the survivor writes down exactly what release of information the survivor agreed to in order to properly capture the release of information.

Informed:

Before a survivor consents to release their information, you must fully explain the consequences of the release to the survivor. (27 CFR 90.4(b)(3)). This includes speaking with the survivor about what information will be shared, who the information will be shared with, what form of communication the information will be shared in (e.g., phone, fax, e-mail, in person), and the confidentiality risks associated with electronic forms of communication.

Reasonably Time-Limited:

A survivor's consent to release information must contain an expiration date. The release should only be for the amount of time necessary to fulfill the survivor's specific needs. (22 CFR 90.4 (b)(3)). For example, if a survivor lives several hours away and only visits the program once a month, it would be okay for the expiration date to be 30 days. In the alternative, if the survivor signs the release because information needs to be shared in an emergency situation, rather than an ongoing collaboration with another agency or individual, the release may only be for 1 day. Most releases are for 15–30 days.

NNEDVD Basic Template

[APPROPRIATE AGENCY LETTERHEAD]

READ FIRST: Before you decide whether or not to let [Program/Agency Name] share some of your confidential information with another agency or person, an advocate at [Program/Agency Name] will discuss with you all alternatives and any potential risks and benefits that could result from sharing your confidential information. If you decide you want [Program/Agency Name] to release some of your confidential information, you can use this form to choose what is shared, how it's shared, with whom, and for how long.

I understand that [Program/Agency Name] has an obligation to keep my personal information, identifying information, and my records confidential. I also understand that I can choose to allow [Program/Agency Name] to release some of my personal information to certain individuals or agencies.

I, _____, authorize [Program/Agency Name] to share the following specific information with:
name

Who I want to have my information:	Name: Specific Office at Agency: Phone Number:

The information may be shared: ☐ in person ☐ by phone ☐ by fax ☐ by mail ☐ by e-mail

☐ *I understand that electronic mail (e-mail) is not confidential and can be intercepted and read by other people.*

What info about me will be shared:	*(List as specifically as possible, for example: name, dates of service, any documents).*
Why I want my info shared: (purpose)	*(List as specifically as possible, for example: to receive benefits).*

Please Note: there is a risk that a limited release of information can potentially open up access by others to all of your confidential information held by [Program/Agency Name].

I understand:

☐ That I do not have to sign a release form. I do not have to allow [Program/Agency Name] to share my information. Signing a release form is completely voluntary. That this release is limited to what I write above. If I would like [Program/Agency Name] to release information about me in the future, I will need to sign another written, time-limited release.

☐ That releasing information about me could give another agency or person information about my location and would confirm that I have been receiving services from [Program/Agency Name].

☐ That [Program/Agency Name] and I may not be able to control what happens to my information once it has been released to the above person or agency, and that the agency or person getting my information may be required by law or practice to share it with others.

This release expires on _____ _____
Date Time

Expiration should meet the needs of the victim, which is typically no more than 15-30 days, but may be shorter or longer.

I understand that this release is valid when I sign it and that I may withdraw my consent to this release at any time either orally or in writing.

Date:_____

Signed:_____ **Time:**_____ **Witness:**_____

Reaffirmation and Extension (if additional time is necessary to meet the purpose of this release)

I confirm that this release is still valid, and I would like to extend the release until _____ _____
New Date New Time

Signed:_____ **Date:**_____ **Witness:**_____

B. Mandated Reporting

Domestic violence advocates may share a survivor's information when required by state statute. In Minnesota, only one law falls under this exception: mandatory reporting. (42 U.S.C. § 13925 (b)(2)(C)).

In Minnesota, domestic violence advocates are considered "mandated reporters." If a mandated reporter knows or has reason to believe a child is being neglected, or physically or sexually abused by a parent/guardian, or in some instances, by a teacher, coach, doctor, caretaker, other family member, or has been within the preceding three years, within 24 hours the mandated reporter must report the information to the local welfare agency, police department, or the county sheriff. (Minn. Stat. § 626.556, subd. 3(a)(1)). Mandated reporters who do not make required reports are at risk of criminal penalty. See Minn. Stat. § 626.556 for more detail.

In order to fulfill confidentiality requirements, advocates may not report child abuse if the abuse does not specifically fall under Minnesota's mandatory reporting law. If you believe that an instance of child abuse should be reported, even if the abuse is not a mandated report, you must obtain the survivor's consent before making a report. If the survivor does not consent, you may not make a report.

Note for tribal programs: If your program is located within a tribal reservation, and you serve survivors on the reservation, you are not subject to Minnesota's mandatory reporting law, but the mandatory reporting law in your tribal code. Many tribal codes contain mandatory reporting laws that are *broader* than Minnesota's state law, so be sure to familiarize yourself with the mandatory reporting law you are expected to follow.

Note about mandated reporting of maltreatment of vulnerable adults: Historically, domestic violence advocates Minnesota are not considered mandatory reporters of maltreatment of vulnerable adults under Minnesota law, and MCBW continues to follow this interpretation. (Minn. Stat. § 626.5572, subd. 16).

The vulnerable adult mandatory reporting statute does not specifically list domestic violence advocates, but professionals who provide "social services." Some domestic violence programs may interpret this statutory language to include domestic violence advocates as mandatory reporters. Be sure you know whether your program considers advocates as mandatory reporters of vulnerable adult maltreatment.

C. Court Order

Domestic violence advocates may share a survivor's personal information if a valid court order requires the advocate to share information. (42 U.S.C. § 13925 (b)(2)(C)).

Valid

Under Minnesota law, before a court can order an advocate to testify about a survivor, it must first hold a hearing to consider the following factors:

(1) the public interest and need for disclosure

(2) the harm to the survivor if their information is shared

(3) effect on the relationship between the survivor and domestic violence advocate if the survivor's information is shared

(4) effect on the domestic violence program's services if the survivor's information is shared

The court must balance these factors to determine whether the interest in obtaining the information for the court case outweighs any harm to the survivor, advocate, or domestic violence program. (Minn. Stat. § 595.02, subd. 1(2)).

Note for tribal programs: If your program is located within a tribal reservation, and you serve survivors on the reservation, you are not subject to Minnesota's domestic violence advocate privilege law, but the laws in your tribal code. Tribal codes vary on domestic violence advocate privilege, some offering a stronger protection than Minnesota state law and some not containing any protections. Be sure to familiarize yourself with any laws your tribal courts will follow.

Court Order

Only a court order, nothing else, can require an advocate to share a survivor's information. A *subpoena*, which summons an advocate or program to testify or provide information on a survivor to the court or an attorney, is not a court order.

If you receive a subpoena you should first ask the survivor if they would like to share their information. If the survivor does not wish to share the information, you and your program must challenge the subpoena in court and explain why sharing the survivor's information could harm the survivor or your program. The court will then balance the factors required under Minnesota law (public need v. survivor harm + domestic violence program harm) and issue an order either requiring you to share the survivor's information, or granting your request to ignore the subpoena. Only once the court has issued a final order requiring you to share information can a survivor's information be shared.

If you receive a subpoena your program should retain an attorney to assist with the subpoena challenge. If your program does not have an attorney, or your program's attorney would like technical assistance, please contact:

Standpoint
1611 Park Ave. #2, Minneapolis, MN 55404
(612) 343-9842
1-800-313-2666

Minnesota Coalition for Battered Women
60 E. Plato Blvd. Ste. 130, Saint Paul, MN 55107
(651) 646-6177

V. Challenging Situations

A. Emergencies

There may be times when your program is facing an "emergency situation" and emergency responders such as firefighters, paramedics, or law enforcement will need immediate entry. (Minn. Stat. § 609.50, subd. 1 (2-4)). When a situation arises where emergency responders are at your program seeking entry, the first thing you should do is determine whether the situation is actually an emergency.

Emergency Situation:

- someone (staff or survivor) is experiencing a serious, life-threatening safety risk (e.g., heart attack, choking, seizure)
- building is on fire
- someone has used or is threatening to use a deadly weapon

Non-Emergency Situation:

- someone in your program is using drugs
- theft
- fights (non-life threatening, no risk of serious bodily injury)
- arrest warrant for a survivor in your shelter

If the situation is indeed an emergency, ensuring the safety of individuals within the program facility is a top priority. If possible, you should let survivors know that emergency responders will be entering the program

B. Obstruction of Justice

Law enforcement may show up at your program in what is considered a "non-emergency situation." For example, when someone in your program has been reported by someone for drug use, theft, or assault, when law enforcement wishes to speak to a survivor about an ongoing investigation, or when law enforcement has an arrest warrant for a survivor residing in your program.

In these situations, you do not need to allow law enforcement officers into your facility unless they have a warrant to specifically search your facility. You may not tell the law enforcement officer whether a survivor is staying in your facility, or has worked with your facility—this is a breach of confidentiality. Instead, you should always tell an officer, "Due to federal confidentiality requirements, I cannot give you any information" whether or not you know who the survivor is.

Once the officers leave, inform the survivor that law enforcement asked about them/ wants to speak with them/has a warrant for their arrest. If the survivor is willing to cooperate with the officers, have the survivor contact the officers and arrange a meeting outside of the facility (or in an area of the facility that is separated from other survivors). This protects the other survivors within your facility.

While obstruction of justice laws say that you may not intentionally obstruct, hinder, or prevent the work of a police officer, simply neither confirming nor denying information for a police officer does not rise to this level. (Minn. Stat. § 609.50, subd. 1). It is highly recommended that your program proactively works with your local law enforcement to educate them about the federal confidentiality requirements your program must follow. The more that law enforcement understands your confidentiality requirements, the less likely they will push back or get angry when

your program cannot provide them information they seek.

If your program is ever concerned about an interaction with law enforcement, or the possibility of an obstruction of justice charge, you should consult your program's attorney, Standpoint, or MCBW for legal advice.

C. Minors

Consent to Release Information:

There will likely be times when you or someone else in your program serves a survivor who is under 18 years old. The rules regarding confidentiality are slightly different for minor survivors than they are for adult survivors.

If you want to share a minor survivor's information you must get *both* the minor and the minor's parent/guardian's consent to share the information. A parent/guardian may not consent to sharing the minor's information if that parent/guardian is suspected of abusing the minor. (42 U.S.C. § 13925 (b)(2)(B)(ii)).

If the minor survivor was able to consent to the services you provided them on their own, without parent/guardian approval, then the minor may consent to share their information on their own. Minnesota law is silent on whether a minor may consent to domestic violence services without a parent. Ask your executive director what your program's policy is regarding whether or not you may serve minors without parental consent.

Parental Notification:

There may be times when a minor survivor shows up at your program alone, and you provide shelter to the survivor. You must notify the minor survivor's parent/guardian that the minor survivor is staying in your shelter, *unless* you believe there are "compelling reasons" not to notify the survivor's parent/guardian. (Minn. Stat. § 260C.177) Compelling reasons include:

- The minor has been exposed to domestic violence in the home.
- The minor is a victim of abuse at the hands of their parent/guardian.
- The minor is a victim of neglect or abandonment.
- Contacting the minor survivor's parent/guardian could put the minor in danger.

Before notifying the survivor's parent/guardian you should speak with the survivor about their concerns with notifying a parent/guardian, and try to work with the survivor to notify their parent/guardian.

D. Vulnerable Adults/ Legally-Incapacitated Adults

If you are working with a legally-incapacitated adult who has a court-appointed guardian (referred to as a vulnerable adult in Minnesota), similar to minor survivors, the rules for consent are slightly different.

If a legally-incapacitated adult survivor has been brought to your program by their court-appointed guardian, then you must have the guardian's consent to release information about the survivor. The guardian may not give consent if the guardian is the survivor's abuser. (42 U.S.C. § 13925 (b)(2)(B)(ii)).

If a legally-incapacitated adult survivor came to your program on their own, then you only need the survivor's consent to release their information.

E. Working Within a Larger Organization

Your domestic violence program may be part of a larger community services organization. You may not share a survivor's information with programs or individuals who are part of the larger community services organization, but not specifically your domestic violence program, unless you have the survivor's consent. (27 CFR 90.4(b)(2)(iii)). You should obtain a survivor's consent to share their information with other branches of your organization the same way you would obtain consent to share information with individuals outside the organization.

F. Using Mobile Devices

While there are not any confidentiality requirements that directly address the use of smartphones, tablets, or laptops by a domestic violence program or program staff, you and your program must take "reasonable efforts" to prevent the inadvertent release of a survivor's information when using these devices. (27 CFR 90.4(b)(5)). Examples of "reasonable efforts" include:

- put a passcode lock on all smartphones and tablets used for advocacy
- install security or anti-malware software onto all devices
- do not use public WiFi if sharing client information or other sensitive information, use a secure network or VPN instead
- only download apps that are necessary for your work
- do not use personal devices for work purposes, whenever possible

For more information about best practices when using mobile devices visit NNEDV's confidentiality website, techsafety.org.

G. Survivor Dies

There may come a time when a victim that you have worked with dies. Despite the victim no longer being alive, the victim's right to confidentiality continues to exist. Just the same as a victim who is still alive, you may not share a deceased victim's personal information unless you have the victim's consent, must make a mandatory report, or a court orders you to disclose the vicitm's information.

To have consent to share a deceased victim's information, the victim must have signed a consent to release that outlines the circumstances for sharing their information upon their death. In some instances, if the relationship you had with the victim indicates that the victim would want you to share their information for a certain purpose, you may be able to share the victim's information. Before doing so, you should consult with an attorney at MCBW or Standpoint.

You may also provide the victim's information for a fatality review if

(1) the purpose of the fatality review is to prevent future victim deaths, enhance victim safety, and increase offender accountability; and

(2) the fatality review includes policies and protocols to prevent identifying information about the victim's children from being released outside the fatality review team; and

(3) you and your program make a reasonable effort to get a consent to release the victim's information from the victim's

personal representative (if there is one) and any of the victim's living children. (28 CFR 90.4(b)(4)).

Remember, even if you share the victim's information upon their death for the purposes of a fatality review, you may only share the information that is necessary to complete the fatality review.

VI. Scenarios

Below, you will find a list of scenarios that present confidentiality problems domestic violence advocates may face, along with the appropriate response an advocate or program should take. MCBW's suggested responses are based on our interpretation of federal and state law, as well as best practices promoted by NNEDV. Individual domestic violence programs should have their own confidentiality policies and procedures which will apply to many scenarios listed below. While these policies must comply with VAWA and the law covered in this guide, some programs may wish to provide more confidentiality than is required by law, or a program may wish to take a different response than is suggested below due to the culture of their particular community (e.g., located in an area where law enforcement is hostile to the program). As an advocate, you should always follow your program's policies and procedures when applicable.

Scenario	***What Should I Do?***
Emergencies:	
Firefighters, paramedics, or law enforcement arrives at my program because the building is on fire/someone has had a heart attack/someone has a deadly weapon.	Let the emergency responders inside your facility, BUT immediately alert all survivors within the facility that emergency responders will be entering.
Interactions with Law Enforcement:	
Law enforcement arrives at my program because someone within the program reported drug use/theft/fighting, and law enforcement wants to take statements from those involved in the report.	Tell the officer that due to federal confidentiality concerns, the officer may not come inside, and you cannot confirm nor deny that the individuals are staying in your facility. Take down the officer's contact information. Once the officer leaves, inform those involved in the report that law enforcement would like to speak to them and take statements. If the individuals would like to speak with the officer, have them call the officer and arrange a time to meet outside the program facility.

Law enforcement arrives at my program with a warrant to search the program facility.	Because the officer has a search warrant, your program must let the officer search the facility, BUT staff should immediately alert all survivors within the facility that a law enforcement officer will be searching the premises.
Law enforcement calls or shows up at my program asking if a specific person is staying in our shelter, or has worked with our program. The person stayed in our shelter last week.	Tell the officer "Due to federal confidentiality requirements, I cannot answer that question."
Law enforcement calls or shows up at my program asking if a specific person is staying in our shelter, or has worked with our program. Our program has never worked with the person before.	Tell the officer "Due to federal confidentiality requirements, I cannot answer that question."
Law enforcement arrives at my program wishing to speak with a survivor staying within our facility about an ongoing investigation.	Tell the officer that due to federal confidentiality concerns, you cannot confirm nor deny that the individual is staying in your shelter. Take down the officer's contact information. Once the officer leaves, let the survivor know that a law enforcement officer wishes to speak to them. If the survivor would like to speak with the officer, have the survivor call the officer and arrange a time to meet outside the program facility.
I find out that there is an arrest warrant for one of the survivors staying in my program.	You may not call law enforcement and inform them that you know where the survivor is staying. You have no legal obligation to proactively aid law enforcement in locating the survivor. You should inform the survivor that there is a warrant out for their arrest, and help the survivor obtain criminal legal assistance and/or self-report to the police.
Law enforcement arrives at my program with an arrest warrant for a survivor staying within our facility.	Tell the officer that due to federal confidentiality restrictions, you cannot confirm nor deny whether the individual is staying in your shelter. Take down the officer's contact information. Once the officer leaves, go inform the survivor that there is a warrant out for their arrest, and a law enforcement officer just came by the shelter

	looking for her. Speak with the survivor about next steps, including turning themselves into law enforcement, securing a defense attorney, safety planning, etc. If the survivor decides to turn herself into law enforcement, have the survivor call the officer and tell them that she would like to turn herself in. If the survivor does not wish to turn herself in, and decides to flee, you may not assist the survivor in fleeing from law enforcement. You also may not call law enforcement and tell them that the survivor has fled. At this point it is best to consult your program's attorney for advice on how to protect yourself and your program from an obstruction of justice charge.
An ICE agent arrives at my program asking if a specific person is staying in our shelter, or has worked with our program. The person is staying in our shelter.	Tell the agent "Due to federal confidentiality requirements, I cannot answer that question."
Minors/ Mandatory Reporting Child Abuse:	
I am working with a survivor who is 15 years old. The survivor was brought to my program by her mother. The survivor's boyfriend, also 15, has recently become physically abusive towards her. The survivor's mother wants me to share this information with law enforcement. The survivor does not want me to share the information.	You may not share the survivor's information with law enforcement. First, the abuse the survivor is experiencing does not qualify as a mandatory report, because the perpetrator is the survivor's 15 year old boyfriend. Second, before you can share a minor survivor's information you must have the consent of the minor *and* the minor's parent/guardian. In this scenario, you only have the mother's consent, so you may not share.
A minor has been seeking services at our program for a few weeks. The minor does not want me to notify her parents that she has been coming to our program.	You may not notify the minor's parents that she is seeking services at your program unless you have the minor's consent to do so. You are only required to notify the minor survivor's parents if she is staying in your program's shelter, not if she is just seeking services.
An unaccompanied minor has been staying in our shelter for a week. She was previously staying with	You should not notify the minor's parents that the minor is staying in your shelter. The minor has told

her 19 year old boyfriend for a while, but her boyfriend has started physically abusing her. The minor does not want me to notify her parents that she is staying in our shelter. The minor says that she fears her parents will become violent if they find out where she is. Her parents have consistently physically abused her throughout her life, which is why she went to stay with her boyfriend in the first place.	you that she is afraid her parents will become violent toward her if they find out where she is, so under Minnesota law there is a "compelling reason" not to notify the parents. Although you may not notify the minor's parents that she is staying in your shelter, you will need to make a mandatory report about the physical abuse the minor has experienced at the hands of her parents. Before making the report, make sure you speak to the minor about what you have to do and what information will be reported. When making the mandatory report, you only need to include information about the abuse from the minor's parents, not the abuse from the minor's boyfriend, because only the parents' abusive acts qualify as a mandatory report.
An unaccompanied minor has been staying in our shelter for a week. She was previously staying with her 25 year old boyfriend, but he started pressuring her to have sex with other men for money. The minor does not want me to notify her parents that she is staying in our shelter. The minor knows her parents are worried about her, but says that she is not ready to talk to her parents about what happened to her.	You should notify the minor's parents that the minor is staying in your shelter. Even though the minor does not want her parents to know where she is, she has not expressed any concern that notifying her parents will put her in danger, so there is not a "compelling reason" to refrain from notifying the parents. Before notifying the minor's parents, you should tell the minor that you are required to notify her parents, despite her wishes. Ask the minor if she would like to participate in the conversation, and talk through any concerns the survivor has about speaking to her parents.
Vulnerable Adults:	
You are working with a survivor who is legally considered a vulnerable adult, and has a court-appointed guardian. The survivor has been physically abused by an intimate partner, who is not her court-appointed guardian. The survivor came to your program by herself, and does not	You should tell the guardian, "Due to federal confidentiality requirements, I cannot answer that question." Although the survivor is considered a vulnerable adult, the survivor has sought services from your program on her own. You cannot share her information with anyone without her consent.

want her guardian to know about the abuse, or about the services she is receiving. One day, the survivor's guardian calls your program and asks if the survivor you have been working with has been seeking services at the program. The guardian wants to know whether the survivor has said she is being abused by her partner.	Because the survivor has not consented to you sharing her information with her guardian, you may not share. Also, because you are not considered a mandatory reporter of maltreatment of vulnerable adults, you may not make a report about the abuse to adult protection unless the survivor gives her consent to do so.
You have a personal iPhone and iPad and often use these devices to communicate with survivors over email, phone, and text. When you do not have to be at your program's office, you like to go to a local coffee shop to catch up on work-related reading and answer emails. While there, you sometimes email or text survivors about support group, or updates on their Order for Protection proceeding. Is this okay?	No. While it is understandable that you may need to use your personal mobile device for work, you should not use these devices to communicate with or about survivors over Wi-Fi in a public place. These Wi-Fi networks are not secure, and you could inadvertently expose a survivor's personal information, decreasing the survivor's safety.
You and your partner share a laptop computer. You would like to use the laptop at work while your work computer is being fixed. Your work includes contacting survivors via email and editing a survivor's Order for Protection petition. Can you use your shared computer for work?	No. You should not use the shared laptop to complete advocacy work. Because you share the laptop with your partner, the information you put on the laptop is not confidential. If you absolutely must use the laptop for your work, you should create a separate login on the laptop that your partner cannot access.
Survivor Has Died:	
A survivor you have worked with has been killed by her abusive partner. Local law enforcement is investigating the survivor's murder, and would like to speak with you about your work with the survivor. You want to help the law enforcement officer, but are unsure if you can share information about your work with the survivor. Based on the relationship you had with the survivor, you think she would have wanted you to help with the investigation, but the survivor did not sign a consent to release prior to her death.	You can likely speak with the law enforcement officer. Even though you do not have a consent to release from the survivor, it seems like the survivor would have wanted you to help with the investigation. Still, because you do not have a written consent to point to, and therefore protect you and your program in the event of an investigation, it would be best to ask the law enforcement officer to ask a court to issue an order that requires you to testify, before you testify about the survivor.

A survivor you have worked with has been killed by her abusive partner. The state is prosecuting the abuser for the murder. The prosecutor is pressuring you to testify at trial about your experience working with the survivor, but the court has not issued an order requiring you to testify at the trial. You want to help the prosecutor, but are unsure if you can share information about your work with the survivor. Based on the relationship you had with the survivor, you think she would have wanted you to help the prosecutor, but the survivor did not sign a consent to release prior to her death.	You can likely testify at trial. Even though you do not have a consent to release from the survivor, it seems like the survivor would have wanted you to testify. Still, because you do not have a written consent to point to, and therefore protect you and your program in the event of an investigation, it would be best to ask the court to issue an order that requires you to testify, before you testify about the survivor.
Miscellaneous:	
A process server shows up at your program attempting to serve court documents on a survivor currently staying in your shelter. The process server asks if the survivor is currently there.	Tell the process server "Due to federal confidentiality requirements, I cannot answer that question."