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## HOUSE BILL NO. 1156

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rehabilitation and Social Services  
on February 17, 2006)

(Patron Prior to Substitute—Delegate Janis)

A BILL to amend and reenact § 63.2-1612 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 63.2-104.1 relating to confidentiality of records concerning sexual and domestic violence victims and locations of shelters.

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1612 of the Code of Virginia is amended and reenacted, and that the Code of Virginia be amended by adding a section numbered 63.2-104.1 as follows:

§ 63.2-104.1. Confidentiality of records of persons receiving domestic and sexual violence services.

A. In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, programs and individuals providing services to victims of sexual or domestic violence shall protect the confidentiality and privacy of persons receiving services.

B. Except as provided in subsections C and D, programs and individuals providing services to victims of sexual or domestic violence shall not:

1. Disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through sexual or domestic violence programs; or

2. Reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of an incapacitated person as defined in § 37.2-1000, the guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor.

C. If release of information described in subsection B is compelled by statutory or court mandate:

1. The service provider shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and

2. The service provider shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

D. Programs and individuals providing services to victims of sexual or domestic violence may share:

1. Nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

2. Court-generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and

3. Information necessary for law enforcement and prosecution purposes. For purposes of this section, "programs" shall include public and not-for-profit agencies the primary mission of which is to provide services to victims of sexual or domestic violence.

§ 63.2-1612. Responsibilities of Department; domestic violence prevention and services.

It shall be the responsibility of the Department, to the extent funds are appropriated by the General Assembly or otherwise made available:

1. To support, strengthen, evaluate, and monitor community-based domestic violence programs funded by the Department and to act as the administrator for state grant funds and the disbursement of federal funds pursuant to §§ 63.2-1614 and 63.2-1615;

2. To collaborate with the Statewide Domestic Violence Coalition in developing and implementing community-based programs to respond to and prevent domestic violence;

3. To prepare, disseminate, and present educational programs and materials on domestic violence to the local departments, community provider agencies, and the general public;

4. To support, strengthen, and act as a resource to local departments on issues of domestic violence, particularly as they relate to both adult and child protective services and self-sufficiency;

5. To establish minimum standards of training and provide educational programs to train workers in the fields of child and adult protective services in local departments and community-based domestic violence programs funded by the Department to identify domestic violence and provide effective referrals for appropriate services;

6. To provide training and educational opportunities on effective collaboration for all staff of local departments and community-based domestic violence programs;

7. To work with the Statewide Domestic Violence Coalition to (a) develop policies and procedures

60 that guide the work of persons providing services to victims of domestic violence and their children; (b)  
61 implement methods to preserve the confidentiality of all domestic violence services records pursuant to  
62 §§ 63.2-104 and 63.2-104.1 in order to protect the rights and safety of victims of domestic violence; (c)  
63 *develop policies and implement methods to assure the confidentiality of records pertaining to the*  
64 *address or location of any shelter or facility assisted under the Family Violence Prevention and Services*  
65 *Act, 42 U.S.C. § 10401 et seq.; (d) collect, prepare, and disseminate statistical data on the occurrence of*  
66 *domestic violence and the services provided throughout the Commonwealth; ~~(d)~~ (e) operate the Virginia*  
67 *Family Violence and Sexual Assault 24-hour toll-free hotline and the Statewide Domestic Violence*  
68 *Database (Vadata); and ~~(e)~~ (f) provide a clearinghouse of information and technical assistance on*  
69 *intervention and prevention of domestic violence;*  
70 8. To encourage the use of existing information and referral agencies to provide specialized  
71 information on domestic violence;  
72 9. To develop and maintain a statewide list of available community and state resources for the  
73 victims of domestic violence;  
74 10. To provide technical assistance on establishing shelters, self-help groups and other necessary  
75 service delivery programs;  
76 11. To provide leadership and coordination within the Department on domestic violence as it relates  
77 to child and adult abuse and neglect, benefits programs, Temporary Assistance to Needy Families, foster  
78 care prevention, child support enforcement, child care, and the promotion of healthy family relationships;  
79 and  
80 12. To promote collaboration and cooperation with other state agencies, including the Department of  
81 Criminal Justice Services, the Department of Health, the Department of Housing and Community  
82 Development, the Office of the Attorney General, and the Virginia Employment Commission, for  
83 technical assistance, data collection and service delivery to facilitate the appropriate response to victims  
84 of domestic violence.