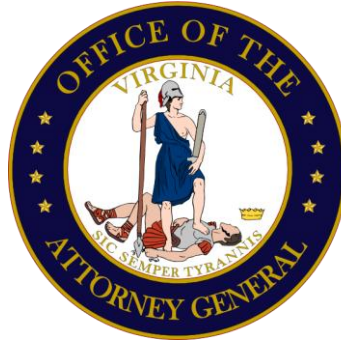


# **Evaluation of the Address Confidentiality Program**

**December 2012**



**Kenneth T. Cuccinelli, II**  
**Attorney General**  
**Office of the Attorney General**



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*

**Kenneth T. Cuccinelli, II**  
Attorney General

December 20, 2012

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

To the Chairs of the Senate and House Committees on General Laws:

I am pleased to present to you an evaluation of the statewide implementation of the Address Confidentiality Program, pursuant to Chapters 97 and 172 of the 2011 Acts of Assembly and Virginia Code § 2.2-515.2.

This evaluation report provides an overview of the Address Confidentiality Program and the status of the program as it is currently implemented by the Office of the Attorney General across the Commonwealth. The report discusses the steps taken and challenges faced by the Office in implementing this initiative statewide, as well as the impact of the program on other state agencies and local domestic violence programs. The report further discusses budget considerations and continued obstacles to participation.

The Address Confidentiality Program is an important initiative to enhance the safety of domestic violence victims who are fleeing from their abusers. I am proud of the progress we have made in expanding the program from one pilot locality in 2007, to 18 pilot localities in 2008, and to all localities in 2011. I am hopeful that we can continue expansion of the current program and our efforts to enhance the safety of all victims in Virginia.

Sincerely,

A handwritten signature in blue ink that reads "Ken C II".

Kenneth T. Cuccinelli, II

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## **Evaluation of the Statewide Implementation of the Address Confidentiality Program**

### **Legislative History**

During the 2007 Session of the General Assembly, Senator Patricia Smith Ticer introduced legislation (SB 938) which established an address confidentiality program for victims of domestic violence. A one-year pilot program was created and codified in Virginia Code § 2.2-515.1 and 2.2-515.2. The one-year pilot program was subsequently implemented in Arlington County and an evaluation of the one-year pilot was completed and submitted to the General Assembly in December 2007.

In order to obtain additional information about the effectiveness of the address confidentiality program and its use by victims of domestic violence, the pilot program was expanded. During the 2008 Session of the General Assembly, additional legislation was introduced by Senator Ticer (SB 764) expanding the pilot program to 17 additional localities: the Counties of Albemarle, Augusta, Dickenson, Fairfax, Henry, Lee, Rockbridge, Russell, Scott, Washington, and Wise, as well as the Cities of Buena Vista, Charlottesville, Lexington, Martinsville, Norfolk, and Roanoke. The expanded pilot program became effective July 1, 2008.

The 2008 legislation also included language conditioning the continuance and statewide expansion of the program on an appropriation from the General Assembly after an evaluation of the pilot program:

That following the evaluation of the program by the Office of the Attorney General in accordance with the second enactment of this act, the continuation of the address confidentiality program on a statewide basis shall be conditioned upon an appropriation effectuating the purposes of this act passed during the 2011 Session of the General Assembly and signed into law by the Governor.

2008 Va. Acts ch. 649.

In 2011, the General Assembly passed legislation to expand the program statewide (HB 1757 (Wilt), SB 1199 (Obenshain)), with a budget amendment to provide for an appropriation to the Office of the Attorney General for the program. The legislation and appropriation, as signed into law by the Governor, became effective July 1, 2011.

The enactment clause of the 2011 legislation specifically provides that:

[A]n evaluation of the statewide implementation of the program shall be prepared by the Office of the Attorney General and the results forwarded to the members of the Senate Committee on General Laws and the House Committee on General Laws by December 31, 2012.

2011 Va. Acts ch. 97, 172. Pursuant to this mandate, the Office of the Attorney General provides the following evaluation of the statewide implementation of the program.

## **Summary of the Address Confidentiality Program**

Pursuant to Virginia Code § 2.2-515.2, an address confidentiality program has been established within the Office of the Attorney General. Specifically, the law requires the Statewide Facilitator for Victims of Domestic Violence to establish a program known as the “Address Confidentiality Program” (herein referred to as “ACP”) to protect victims of domestic violence by authorizing their use of a designated address unrelated to their actual physical address for state and local government records.

The ACP has three main components:

- The ACP provides participants with a legal substitute address (P.O. Box) which has no relation to their actual, physical address.
- The ACP provides participants with a free, confidential mail-forwarding service.
- Through the ACP, the Office of the Attorney General acts as an agent for acceptance of service of legal process on behalf of the participant.

### ***Eligibility***

According to the law, an individual who is at least 18 years of age, a parent or guardian acting on behalf of a minor, a guardian acting on behalf of an incapacitated person, or an emancipated minor, may apply to participate in the ACP. Any victim of domestic violence is eligible to participate in the program regardless of whether the act or threat of domestic violence has been reported to law enforcement officers. Any “threat” must be a threat of force which would place any reasonable person in apprehension of death or bodily injury. The applicant must submit a sworn statement that he or she fears further violent acts from the applicant’s assailant and that he or she is not on active parole or probation supervision requirements under federal, state, or local law.

Victims who are residents of temporary housing for 30 days or less are not eligible to enroll in the ACP until a permanent residential address is obtained. Participation in the ACP is not permitted if the applicant is a sex offender for which registration is required pursuant to the Sex Offender and Crimes Against Minors Registry (Virginia Code § 9.1-900 *et seq.*), or if the applicant is on probation or parole supervision requirements under local, state, or federal law.

Victims may apply for participation in the program in person at domestic violence programs that provide services where the role of the service provider is (1) to assist the eligible person in determining whether the ACP should be part of such person’s overall safety plan; (2) to explain the ACP’s services and limitations; (3) to explain the program participant’s responsibilities; and (4) to assist the person eligible for participation with the completion of application materials.

### ***Application Process***

Completed applications are forwarded to the Office of the Attorney General, where they are reviewed for certification. The application package contains an application and a checklist of

understanding,<sup>1</sup> which must be completed, and signed and initialed by each participant in the presence of a notary. A copy of a valid government issued identification card must be submitted with the application packet for processing and identification purposes. The applicant also is required to include a copy of a billing statement (utility, telephone, gas, etc.), an executed lease, or other documents showing the name and actual address of the applicant.

As mentioned above, participation in the ACP is not permitted if the applicant is a sex offender for which registration is required pursuant to the Sex Offender and Crimes Against Minors Registry (Virginia Code § 9.1-900 *et seq.*), or if the applicant is currently on probation or parole. Accordingly, to ensure that the applicant does not fall within these two categories, a search is performed in the Sex Offender Registry and probation and parole database (CORIS).

Once certified, each participant is assigned a unique authorization code number for use with the designated address (P.O. Box 1133, Richmond, VA 23218-1133). The participant and his/her children are also issued an ACP authorization card for presentation to state and local agencies.

### ***Program Participation***

A participant is certified for one year following the date of application approval, unless the certification is withdrawn or invalidated before that date. A program participant may re-apply for certification every year.

The Office of the Attorney General is authorized to cancel a program participant's certification if: (1) the program participant requests withdrawal from the program; (2) the program participant obtains a name change through an order of a court; (3) the program participant changes his or her residence address and does not provide seven days' notice to the Office of the Attorney General prior to the change of address; (4) the mail forwarded by the Office of the Attorney General to the address provided by the program participant is returned as undeliverable; (5) any information contained in the application is false; (6) the program participant has been placed on parole or probation while a participant in the ACP; or (7) the applicant is required to register as a sex offender.

### ***Use of the Substitute Address***

Upon receipt of first-class mail addressed to a program participant, the Attorney General or his designee is required to forward the mail to the actual address of the program participant. The actual address of a program participant is only available to the Attorney General and those employees involved in the operation of the Address Confidentiality Program. A program participant's actual address may be entered in the Virginia Criminal Information Network (VCIN) system so that it may be made known to law enforcement officers accessing VCIN for law enforcement purposes.

Program participants may request that any state or local agency use the address designated by the Office of the Attorney General as the program participant's address except

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<sup>1</sup> A copy of the application materials is included in Appendix C.

when (1) the program participant is purchasing a firearm from a dealer in firearms and (2) the agency has received a written exemption from the Office of the Attorney General that the agency has a *bona fide* statutory basis for requiring the program participant to disclose their actual location and the disclosed address will be used only for that statutory purpose and will not be otherwise disclosed or made available to another person, agency, or to the public. Currently, the Virginia State Police and the Virginia State Board of Elections have a written exemption from the Office of the Attorney General.

- The Virginia State Police is permitted to require disclosure of a participant's actual address where required by the applicable law enforcement statutes. Accordingly, participants are required to provide their actual address to law enforcement during the issuance of a traffic summons for a traffic violation or during a criminal investigation or arrest situation.
- In order to comply with statutory requirements, the State Board of Elections is permitted to require ACP participants to provide actual address information on voter registration applications for the purpose of determining eligibility and voting precinct. (Va. Code § 24.2-418.)

Finally, a program participant's actual address shall be disclosed pursuant to court order.

The legislation is silent with respect to use of the designated address by private businesses. Private companies (such as banks, stores, credit card and utility companies) are not required to accept the substitute address; however, certain businesses may be willing to accept the ACP substitute address as the participant's mailing address for delivery of first-class mail.

Program participants' actual addresses are maintained in the Office of the Attorney General and are exempt from disclosure under the Virginia Freedom of Information Act (Virginia Code §2.2-3700 *et seq.*) to the extent such records contain information identifying a past or current program participant. This protected information includes: actual and designated address, telephone number, and any email address. Access to participants' records, however, shall not be denied to the ACP participant, or the parent or legal guardian of an ACP participant in cases where the program participant is a minor child or incapacitated person, except when the parent or legal guardian is named as the program participant's assailant.

### ***Program Limitations***

The ACP limits public disclosure of a participant's actual address; however, the ACP is not retroactive and cannot provide absolute protection. Each ACP participant should seek counseling through a local domestic violence program to determine whether the ACP should be a part of the victim's overall safety plan. Ultimately, it is the participant's responsibility to advise an agency that he or she is an ACP participant and to use the ACP substitute address.

### **Statewide Implementation of the Program**

As a result of legislation passed during the 2011 Session of the General Assembly, the ACP was expanded from the 18 locality-pilot program to a statewide program. The

implementation of the expanded ACP required several months of planning by a team of employees of the Office of the Attorney General. The expanded pilot program was fully operational and available to residents statewide on July 1, 2011.

The planning process included meetings and telephone conference calls with the Virginia Department of State Police, Virginia Department of Motor Vehicles, and Virginia Department of Social Services. Office of the Attorney General staff conducted telephone conference calls with local domestic violence programs to discuss program procedures and requirements, application materials, and implementation concerns. In addition, program information was forwarded to all accredited local domestic violence programs across the state.

ACP information sheets were created with tailored information for law enforcement officers, advocates, local and state agencies, and the general public. ACP brochures were updated and printed for statewide distribution.

The Office of the Attorney General also reviewed and updated a number of internal policies and procedures to ensure smooth implementation of the expanded program. Overall, the administration and oversight of the program remained the same. The Domestic Violence Initiatives Coordinator (referred to herein as “ACP Coordinator”) administers the program on a daily basis, performing administrative tasks including: review and approval of program applications; response to inquiries about the program from local domestic violence programs, potential participants, and state and local agencies; distribution of resource materials to local domestic violence programs and law enforcement agencies; and training to impacted agencies and programs. In addition, the ACP Coordinator continues to receive participant mail at the substitute address and forward the mail to the participant’s actual address.

Implementation of the ACP program is overseen by the Statewide Facilitator for Victims of Domestic Violence (*See Virginia Code § 2.2-515.2*). The Statewide Facilitator also coordinates with state agencies impacted by the ACP to resolve any issues related to program implementation and responds to legal inquiries about the program.

In 2012, the ACP again distributed program information in an effort to remind local programs and agencies about the availability of the program for victims of domestic violence. More than 2,000 brochures were distributed to 45 local accredited domestic violence programs across the Commonwealth. In addition, the ACP Coordinator conducted trainings for local programs at the Virginia Sexual and Domestic Violence Action Alliance and for the Family Advocacy Program at Marine Corps Base Quantico and continues to receive requests for ongoing training and technical assistance programs.

### **Program Impact on Other Agencies**

Expansion of the ACP program from an 18 locality pilot to a statewide program required additional coordination with a number of state agencies, including the Virginia Department of State Police, the Virginia Department of Motor Vehicles, the Virginia State Board of Elections, and the Virginia Department of Social Services. The following is a summary of the program’s impact on these agencies.



### ***Virginia Department of State Police***

The current ACP law permits entry of a participant's actual address into the Virginia Criminal Information Network (VCIN) so that it may be made known to law enforcement officers accessing VCIN for law enforcement purposes. (Virginia Code § 2.2-515.2 (D).) The Virginia Department of State Police (VSP) maintains the VCIN system for law enforcement agencies across the Commonwealth. Consequently, the Office of the Attorney General has worked with VSP and the Department of Motor Vehicles (DMV) to establish and to modify, as necessary, a procedure for entry of a participant's actual address into VCIN and/or the DMV driver database when such addresses are needed by law enforcement officers in the field for law enforcement purposes.

In addition, in accordance with the ACP, Virginia Code § 2.2-515.2 (F), an agency may petition the Office of the Attorney General for an exemption to the ACP. If the Office of the Attorney General grants the agency an ACP exemption, program participants involved with that agency must reveal their actual addresses for certain purposes, as required by existing statutes or regulations. VSP continues to have an agency exemption for participants of the ACP Program for additional law enforcement purposes. VSP's exemption is based upon Virginia Code § 18.2-308 (Concealed Weapons), Virginia Code § 18.2-308.2:2 (Purchase of Firearm), Virginia Code § 18.2-308.2:3 (Criminal Background Check for Employees of Gun Dealer); Virginia Code § 19.2-390 (Arrest Warrant and Submission to CCRE), Virginia Code § 19.2-74 (Release on Summons), and Virginia Code § 9.1-903 (Sex Offender and Crimes Against Minors Registry).

### ***Virginia Department of Motor Vehicles***

In order to have the ACP address on a valid Virginia driver's license or photo identification card, participants must change their address with the Department of Motor Vehicles (DMV) and obtain a replacement document. Or, if a participant wishes to obtain a Virginia driver's license or photo identification card for the first time, they must establish the ACP address in DMV's records.

In order to change a current address to the ACP address or to establish a new record using the ACP address in DMV's records, participants must contact DMV's Identification Review Services group (DMV/IRS) and provide them with the participant name and unique authorization code as displayed on the ACP participant card. DMV/IRS will verify enrollment in the program and will update the mailing and residence addresses on the participant's record. Once the address is updated, participants will be eligible to obtain a replacement driver's license or ID card through all service methods normally available. If no license or ID is currently held, the participant can make application in person at any DMV office. The new driver's license or ID card will display the P.O. Box mailing address assigned by the Office of the Attorney General. When a participant is no longer enrolled in the ACP, they are responsible for changing their address with DMV.

In addition, ACP participants are responsible for notifying DMV of any change to the garage jurisdiction of vehicles registered in Virginia. Participants who own a motor vehicle registered in Virginia must change their address with DMV and obtain a replacement document.

When completing the application, participants should enter the mailing and residence addresses assigned by the Office of the Attorney General. The actual garage jurisdiction should be entered in the “garage jurisdiction” box. The new registration card(s) will be mailed to the participant using the ACP mailing address.

Finally, a participant’s DMV address information also has an impact on the information available to law enforcement officers that access DMV records for law enforcement purposes through the Virginia Criminal Information Network (VCIN). Currently, the DMV does not have the programming capability to make available to law enforcement officers a participant’s actual confidential address. If a participant does not take steps to update his or her driver’s license address information, the DMV information is stale and law enforcement officers will access outdated address information. On the other hand, if a participant updates his or her driver’s license information with the designated substitute address under the ACP, law enforcement agencies must take an additional step to obtain the actual confidential address. It was determined during the pilot program that the most efficient way to communicate residential information restrictions to law enforcement for purposes of checking VCIN is to require the DMV to enter into the dwelling address field for all ACP participants the following:

Withheld-Contact VCIN Control Cntr  
Richmond, VA 23218

This information alerts the law enforcement officer who is checking VCIN to contact the Virginia State Police through the VCIN terminal to obtain the actual address.

### ***Virginia State Board of Elections***

An ACP participant who registers to vote is required to provide his or her actual street address on the voter registration application. The State Board of Elections currently has an agency exemption from the ACP related to this statutory requirement.

Currently, there is a checkbox on the voter registration application for ACP participants to indicate their participation in the program. The participant’s actual street address is used by election officials to verify that the participant is qualified to vote and to determine the correct voting precinct.

While Virginia Code currently provides that the actual addresses of ACP participants will not be disclosed on publicly available documents (e.g. public lists of registered voters and primary voters or poll books, *see* Va. Code § § 24.2-405, 24.2-406, 24.2-418, and 24.2-444), recent litigation has challenged the ability of the State Board of Elections to prevent public inspection or copying of the voter registration applications themselves.

In *Project Vote/Voting for Am., Inc. v. Long*, the plaintiff has sought to inspect and obtain copies of voter registration applications filed in one Virginia locality. The plaintiff argues that the National Voter Registration Act's Public Disclosure Provision (42 U.S.C. § 1973gg-6(i)(1)) requires that voter registration applications be available to the public for inspection. The Fourth Circuit Court of Appeals and the U.S. District Court for the Eastern District of Virginia, have issued rulings in favor of the plaintiff and enjoining the State Board of Elections from preventing

inspection and copying of voter registration applications. *Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331 (4th Cir. 2012) (affirming the District Court for the Eastern District of Virginia); *Project Vote/Voting for Am., Inc. v. Long*, 752 F. Supp. 2d 697 (E.D. Va. 2010) (denying the defendants' motion to dismiss); *Project Vote/Voting for Am., Inc. v. Long*, 813 F. Supp. 2d 738 (E.D. Va. 2011) (granting in part the plaintiffs' motion for summary judgment). Despite arguments raised by the State Board of Elections regarding the need to maintain the confidentiality of certain personal information pursuant to Virginia law, including address information for participants of the ACP and others, thus far, the Courts have permitted only the redaction of social security numbers of applicants on the basis that social security numbers are the only type of personal information protected from disclosure by federal law.

The *Project Vote* litigation is ongoing at the appellate level. For purposes of the ACP and its participants, however, the case could potentially impact the ability of a participant to safeguard his or her address on a voter registration application. ACP participants will have to weigh the risk of providing his or her actual physical address on a voter registration application that may be made available to the public for inspection and copying. In addition, in light of the issues raised by the *Project Vote* case, it remains unclear at this time whether other publicly available documents, such as poll books or lists of registered voters and primary voters, will continue to show the ACP substitute address in lieu of the participant's actual address.

The ACP will continue to monitor this litigation and provide information to program participants about the potential issues and risks related to voter registration.

### ***Virginia Department of Education and School Records***

Virginia law requires each school division to provide a free public school education to each person of school age who resides within the school division. Virginia law also permits school boards to charge tuition to students who do not reside within the school division but wish to attend the division schools.

Participation in the Address Confidentiality Program will not affect the rights and protections afforded by the Family Educational Rights and Privacy Act (FERPA). FERPA is a federal law that protects the privacy of student education records. FERPA gives parents certain rights with respect to their child's education records. Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. ACP participants should work with school officials to ensure that the substitute address is reflected in education records.

### ***Virginia Department of Social Services***

For individuals who receive benefits from the Department of Social Services (DSS), or who receive child support payments through the Division of Child Support Enforcement (DCSE), a participant's residential address can have an impact on a number of factors, including how benefits are calculated or what court has jurisdiction to hear child support issues. For participants in the ACP, receiving benefits or child support payments while maintaining the confidentiality of a residential address poses additional challenges.

DSS has established a number of policies and procedures to address the needs of ACP participants. DSS not only accepts the substitute address for ACP participants as their primary address, DSS has instituted additional measures to ensure the confidentiality of their information. For individuals working with local departments of social services, DSS staff have the ability to flag the case file in the computer system where family violence is present. Such a designation alerts DSS workers and staff that additional care should be taken in not disclosing information in the file, including address information. For ACP participants, their case files will be marked with the family violence indicator as an additional safeguard on the information in their file.

For participants who are required to be served process for court proceedings (e.g. for child support proceedings through DCSE), DSS will ensure that process is served on the Office of the Attorney General as the agent for service on behalf of the participant.

Further, participants who receive TANF benefits have the option of receiving those benefits electronically, eliminating a possible delay in receipt of those benefits due to the ACP mail forwarding process. When Medicaid or other benefits, such as food stamps, are received via mail, the Office of the Attorney General will work with the DSS to ensure those items are forwarded as soon as possible to prevent a lapse in coverage or prolonged delay in receipt.

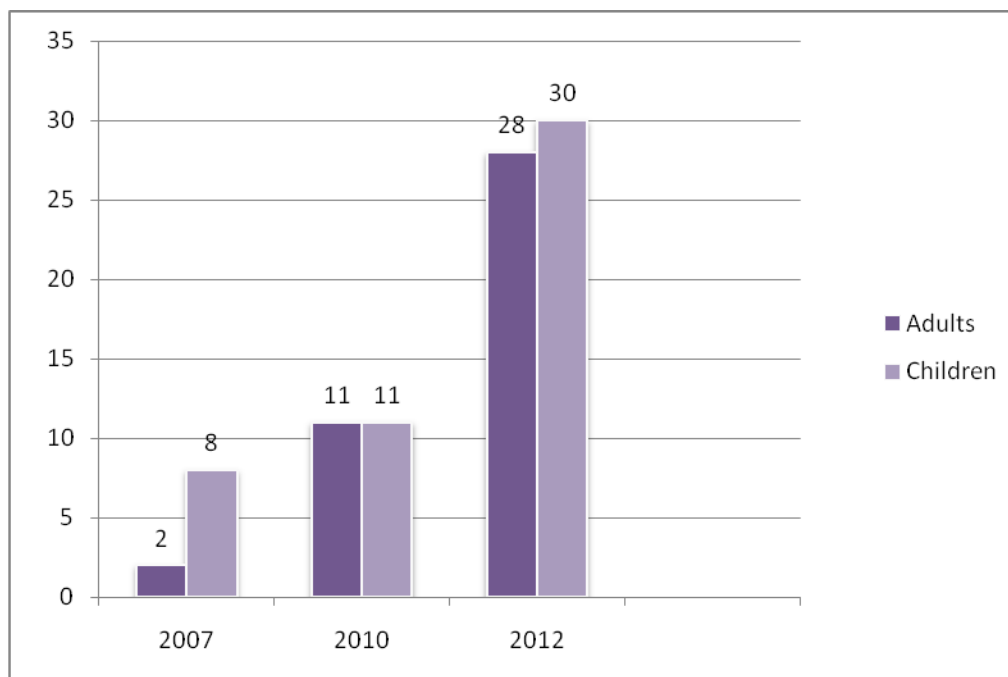
### **Participation in the Statewide Program**

As of November 15, 2012, 28 adults and 30 children participate in the program (Table 1). This represents an 164% increase in participants from November, 2010.

While participation in the program is on the rise, the Office of the Attorney General has experienced an overall fluctuation in program activity for a number of reasons.

- Participants opt out of the program for various reasons including:
  - the abuser has found their current location;
  - participants no longer fear their abuser; or
  - participants have remarried and changed their names and locations and no longer need the program.
- Participants move to and from other states with their own ACP programs.

**Table 1 - Participation in the Address Confidentiality Program**



Despite a modest number of participants, the ACP has received a significant number of phone calls from victims and domestic violence programs regarding participating in the program. For example, from June 1, 2012 to November 30, 2012 alone, the ACP received 27 calls from persons asking about participation in the program. Five of the calls were from participants in other states wishing to move to Virginia. Of those five callers, four moved to Virginia because of the ACP.

The ACP receives a substantial number of requests for information regarding the program. For many, the program provides an additional layer of safety and security. However, it does not meet the needs of all potential participants. There are many reasons potential participants choose not to enter the program or are ineligible to participate in the program. Those reasons include:

- A potential participant has not moved to a location unknown to their abuser and they are currently unable to break an existing lease;
- A potential participant's abuser has found their current location and they are unable to break their lease;
- A potential participant is residing in a temporary shelter and has not yet secured a permanent address;
- A potential participant is currently on probation or parole;
- A potential participant is too fearful to disclose his/her physical address to the program as required by statute;
- A physical address must be provided in order to purchase a firearm or obtain a concealed weapon permit, creating a dilemma for potential participants who must choose between obtaining a firearm for their safety and disclosing their address.

The nature of the ACP itself does impose a level of hardship on its participants. Participants are inconvenienced by having all of their mail sent to the substitute address in Richmond and then re-routed to their location. Only participants' first class mail is forwarded to them; any catalogues or magazines received are not forwarded. In addition, participants carry the burden of making the program work for them by consistently using the substitute address and avoiding situations that would require them to provide their actual address. This could prevent them from doing business with some companies, as only state and local agencies are required to accept the substitute address by law.

In addition, restrictions on participation within the ACP itself have limited participation by victims receiving services from local programs.

- Victims are not eligible to apply for participation if they are in temporary housing for 30 days or less until they secure a more permanent residential address. Accordingly, victims at domestic violence shelters are often not eligible to apply for a period of time until they obtain a permanent residential address.
- A participant's actual physical address must be disclosed pursuant to a court order. This situation commonly arises with support, custody and visitation orders which usually require disclosure of both parents' addresses, including a parent who may seek protection from the ACP. (*See e.g.* Virginia Code § § 20-107.1, 20-124.5.) Accordingly, in these situations, the victim may be unable to fully protect his or her address through the ACP, reducing the benefit of participation to that individual.

The ACP is not a program suitable for all victims of domestic violence who have relocated. It is, however, an important and helpful tool available for victims in dire and dangerous circumstances who must seek every means available to protect themselves and their families.

### **Program Expenses**

Currently, costs associated with the operation of the statewide expansion of the Address Confidentiality Program are paid by the Office of the Attorney General using general funds allocated by the General Assembly in the FY 2012 and FY 2013 budgets. The primary cost currently associated with the ACP is postage. From January 1, 2012 to October 31, 2012, the ACP incurred approximately \$781.46 in postage for the mailing of first-class mail to active participants and program materials to local domestic violence programs. This represented a substantial increase in postage expenses from previous years of the pilot program. (Table 2)

**Table 2 - Postage for Participant Mail and Materials Distribution**

<b>Year</b>	<b>Postage</b>
2008	\$153.44
2009	\$115.24
2010	\$391.32
2011	\$287.15
2012 (January 1, 2012-October 31, 2012)	\$781.46

As the ACP grows in participation, so too will the overall program expenses. The current estimated yearly operating costs are included in Appendix D. These calculations are based upon program expenditures for the expanded statewide program during the second half of calendar year 2011 and year-to-date expenditures for calendar year 2012, accounting for increases in mail volume (postage), material distributions (program materials), and training and technical assistance to local programs.

### **Benefits of Statewide Expansion of the Address Confidentiality Program**

Despite modest growth in the program since July 1, 2011, Statewide expansion of the ACP has been beneficial for a number of reasons.

- The program is available to all victims of DV across the Commonwealth.
- The expansion of the program has permitted more freedom of movement for victims within the state (who previously faced restrictions imposed by limitation of program to 18 localities).
- Participants in ACP programs in other states may move to any locality in Virginia (without facing previous restrictions imposed by limitation of program to 18 localities).
- Individuals who were not previously eligible to participate in the program due to the geographic limitations of the program are able to do so without limitation.
- The program, going forward, will be able to calculate the costs of the program as a statewide program with more consistency and reliability.
- The program, going forward, will be able to collect and track meaningful data related to the need for the ACP program, its usage level, and its effectiveness.

### **Conclusion**

Domestic violence is a serious public safety issue in our community. Our response to domestic violence requires a coordinated community effort, including the participation of law enforcement and government agencies. We must work together to provide public awareness, training, and services.

The purpose of the ACP is to provide an extra level of protection or option in an overall safety plan for victims of domestic violence. However, the program is not a solution for all victims. Only those victims who have truly taken steps to permanently remove themselves and their families from an abusive environment can truly benefit from the ACP.

The expansion of the ACP pilot from Arlington County in 2007 to 18 localities in 2008 to a statewide program in 2011 has provided additional information about the issues faced by state agencies and local domestic violence agencies in implementing such a program. As the program grows and develops, the Office of the Attorney General has worked with these programs and agencies to address these issues and find solutions that will promote longevity and sustainability of the program.

Participation in the expanded ACP continues to grow. In November 2010, there were 11 adult and 11 child participants in the program. As of November 15, 2012, there are 28 adult and 30 child participants. Despite the gradual increase in participation during the past 18 months, participation has been and will be limited by restrictions innate in the program itself, for example, eligibility restrictions for applicants in temporary, shelter housing.

However, interest in the ACP among domestic violence programs, agencies, and potential participants is real and even increasing. The Office of the Attorney General has received a significant number of calls from individuals interested in participating in the program. The Office has also received a number of requests from local domestic violence programs for additional training and technical assistance so that they may better offer the program as a service to their clients.

Local domestic violence programs, victim/witness assistance programs, law enforcement agencies, local DMV offices, and local voter registration programs are learning of the ACP and referring victims to the program. In addition to state and local programs, the Marine Corps Family Advocacy Program at Quantico has received training on the program and has made referrals for their clients. Several participants have relocated to Virginia because Virginia has an ACP. The Office of the Attorney General is confident the program will continue to grow and expand as more and more individuals, agencies, and direct services programs become aware of the benefits the program may offer victims of domestic violence.



## **Appendix A - Applicable Section of the Virginia Code**

§ 2.2-515.2. Address confidentiality program established; victims of domestic violence; application; disclosure of records.

A. As used in this section:

"Address" means a residential street address, school address, or work address of a person as specified on the person's application to be a program participant.

"Applicant" means a person who is a victim of domestic violence or is a parent or guardian of a minor child or incapacitated person who is the victim of domestic violence.

"Domestic violence" means an act as defined in § [38.2-508](#) and includes threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law-enforcement officers. Such threat must be a threat of force which would place any person in reasonable apprehension of death or bodily injury.

"Domestic violence programs" means public and not-for-profit agencies the primary mission of which is to provide services to victims of sexual or domestic violence.

"Program participant" means a person certified by the Office of the Attorney General as eligible to participate in the Address Confidentiality Program.

B. The Statewide Facilitator for Victims of Domestic Violence shall establish a program to be known as the "Address Confidentiality Program" to protect victims of domestic violence by authorizing the use of designated addresses for such victims. An individual who is at least 18 years of age, a parent or guardian acting on behalf of a minor, a guardian acting on behalf of an incapacitated person, or an emancipated minor may apply in person, at domestic violence programs that provide services where the role of the services provider is (i) to assist the eligible person in determining whether the address confidentiality program should be part of such person's overall safety plan; (ii) to explain the address confidentiality program services and limitations; (iii) to explain the program participant's responsibilities; and (iv) to assist the person eligible for participation with the completion of application materials. The Office of the Attorney General shall approve an application if it is filed in the manner and on the form prescribed by the Attorney General and if the application contains the following:

1. A sworn statement by the applicant declaring to be true and correct under penalty of perjury that the applicant has good reason to believe that:

a. The applicant, or the minor or incapacitated individual on whose behalf the application is made, is a victim of domestic violence;

b. The applicant fears further violent acts from the applicant's assailant; and

c. The applicant is not on active parole or probation supervision requirements under federal, state, or local law.

2. A designation of the Office of the Attorney General as agent for the purpose of receiving mail on behalf of the applicant;
3. The applicant's actual address to which mail can be forwarded and a telephone number where the applicant can be called;
4. A listing of any minor children residing at the applicant's actual address, each minor child's date of birth, and each minor child's relationship to the applicant; and
5. The signature of the applicant and any person who assisted in the preparation of the application and the date.

C. Upon approval of a completed application, the Office of the Attorney General shall certify the applicant as a program participant. An applicant shall be certified for one year following the date of the approval, unless the certification is withdrawn or invalidated before that date. A program participant may apply to be recertified every year.

D. Upon receipt of first-class mail addressed to a program participant, the Attorney General or his designee shall forward the mail to the actual address of the program participant. The actual address of a program participant shall be available only to the Attorney General and to those employees involved in the operation of the Address Confidentiality Program and to law-enforcement officers. A program participant's actual address may be entered into the Virginia Criminal Information Network (VCIN) system so that it may be made known to law-enforcement officers accessing the VCIN system for law-enforcement purposes.

E. The Office of the Attorney General may cancel a program participant's certification if:

1. The program participant requests withdrawal from the program;
2. The program participant obtains a name change through an order of the court;
3. The program participant changes his residence address and does not provide seven days' notice to the Office of the Attorney General prior to the change of address;
4. The mail forwarded by the Office of the Attorney General to the address provided by the program participant is returned as undeliverable;
5. Any information contained in the application is false;
6. The program participant has been placed on parole or probation while a participant in the address confidentiality program; and
7. The applicant is required to register as a sex offender pursuant to Chapter 9 (§ [9.1-900](#) et seq.) of Title 9.1.

For purposes of the address confidentiality program, residents of temporary housing for 30 days or less are not eligible to enroll in the address confidentiality program until a permanent residential address is obtained.

The application form shall contain a statement notifying each applicant of the provisions of this subsection.

F. A program participant may request that any state or local agency use the address designated by the Office of the Attorney General as the program participant's address, except when the program participant is purchasing a firearm from a dealer in firearms. The agency shall accept the address designated by the Office of the Attorney General as a program participant's address, unless the agency has received a written exemption from the Office of the Attorney General demonstrating to the satisfaction of the Attorney General that:

1. The agency has a bona fide statutory basis for requiring the program participant to disclose to it the actual location of the program participant;

2. The disclosed confidential address of the program participant will be used only for that statutory purpose and will not be disclosed or made available in any way to any other person or agency; and

3. A state agency may request an exemption by providing in writing to the Office of the Attorney General identification of the statute or administrative rule that demonstrates the agency's bona fide requirement and authority for the use of the actual address of an individual. A request for a waiver from an agency may be for an individual program participant, a class of program participants, or all program participants. The denial of an agency's exemption request shall be in writing and include a statement of the specific reasons for the denial. Acceptance or denial of an agency's exemption request shall constitute final agency action.

Any state or local agency that discloses the program participant's confidential address provided by the Office of the Attorney General shall be immune from civil liability unless the agency acted with gross negligence or willful misconduct.

A program participant's actual address shall be disclosed pursuant to a court order.

G. Records submitted to or provided by the Office of the Attorney General in accordance with this section shall be exempt from disclosure under the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq.) to the extent such records contain information identifying a past or current program participant, including such person's name, actual and designated address, telephone number, and any email address. However, access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of a program participant in cases where the program participant is a minor child or an incapacitated person, except when the parent or legal guardian is named as the program participant's assailant.

H. Neither the Office of the Attorney General, its officers or employees, or others who have a responsibility to a program participant under this section shall have any liability nor shall any

cause of action arise against them in their official or personal capacity from the failure of a program participant to receive any first class mail forwarded to him by the Office of the Attorney General pursuant to this section. Nor shall any such liability or cause of action arise from the failure of a program participant to timely receive any first class mail forwarded by the Office of the Attorney General pursuant to this section.

(2007, c. [599](#); 2008, c. [649](#); 2011, cc. [97](#), [172](#).)

## **Appendix B**

### **Program Summary**



## **COMMONWEALTH of VIRGINIA**

*Office of the Attorney General  
Richmond 23219*

**Kenneth T. Cuccinelli, II**  
Attorney General

ADDRESS CONFIDENTIALITY PROGRAM  
Post Office Box 1133  
Richmond, Virginia 23218-1133

### **COMMONWEALTH OF VIRGINIA ADDRESS CONFIDENTIALITY PROGRAM**

**SUMMARY OF THE PROGRAM:** The Address Confidentiality Program (ACP) provides services to domestic violence victims. The ACP is administered by the Office of the Attorney General. Laws governing the program are located in Va. Code Ann. § 2.2-515.2. Program participants are residents of the Commonwealth of Virginia who have recently relocated and whose new location is unknown to the abuser. The goal of the Address Confidentiality Program is to help domestic violence victims keep their new address confidential.

The ACP is not retroactive and cannot provide absolute protection to victims. By itself the ACP cannot keep victims safe - the ACP is only one piece of a victim's overall safety plan. Each ACP participant should seek counseling through a crisis center and shelter services for an overall safety plan.

The ACP provides cost-free mail forwarding service. Program participants are authorized to use a "substitute" mailing address in lieu of a home address. The Office of the Attorney General serves as each program participant's legal agent for receipt of mail and service of process.

The actual address of a program participant is available only to the Attorney General and to those employees involved in the operation of the ACP and to law-enforcement officers for law-enforcement purposes.

**APPLYING FOR ACP PARTICIPATION:** The ACP is intended to help victims of domestic violence who have confidentially relocated to a location unknown by their abusers. **Effective July 1, 2011, the ACP will be available to victims statewide.** Participation in the program is not transferable if a participant moves to another state. Both adults and children can participate in this program.

Victims complete applications for participation in the ACP through their local domestic violence programs. Each participant must fully complete the Address Confidentiality Program (ACP) application packet. The package contains the application, a checklist which must be read, initialed and notarized by each participant. A photocopy of a valid government issued identification card must be submitted with the application packet for processing. The applicant must also include a copy of a billing statement (utility, telephone, gas etc.), or an executed lease

or other documents showing the name and actual address of the applicant. (The applicant can remove or redact other confidential information from the bill or executed lease). The entire application packet (application, checklist, copy of valid government issued identification card, executed lease or billing statement) should be mailed to ACP, P.O. Box 1133, Richmond, Virginia 23218-1133 for processing and certification.

Each certified participant is assigned an authorization code number and issued an ACP authorization card. Once participants receive their ACP authorization card they can apply for state and local services using the ACP substitute address.

**LIMITATIONS ON PARTICIPATION:** Participation in the ACP is not permitted if the applicant is a sex offender for which registration is required pursuant to the Sex Offender and Crimes Against Minors Registry program as statutorily provided through Chapter 9, of Title 9.1 of the Code of Virginia, or if the applicant is currently on parole and/or probation.

Applicants who are residents of temporary housing for thirty (30) days or less are not eligible to enroll in the ACP until a permanent residential address is obtained.

**THE ACP SUBSTITUTE ADDRESS:** The substitute address has no relation to a participant's actual location. All ACP participants are authorized to use the same post office box, which is the ACP's post office box in Richmond, Virginia (P.O. Box 1133, Richmond, Virginia 23218-1133). The ACP assigns each participant a unique authorization code number which must be used as part of the substitute address. The ACP receives, sorts, repackages, and forwards all first class mail to each participant's actual residential address. The ACP does not forward magazines and catalogs.

The ACP issues an authorization card to each program participant. The authorization card is not proof of identification, but includes the participant's name, signature, birth date, authorization code and substitute address. When a program participant presents his or her authorization card, state and local government agencies must accept the ACP substitute address as though it is a person's actual residential address. It is the participant's responsibility to let the agency employees know that they are an ACP participant and that they wish to use the ACP substitute address.

Program participants choose when to use the substitute address. When an ACP participant chooses to reveal his or her actual address, the agency is not legally obligated to keep that information confidential. Since the participant is legally making the Attorney General their agent for receipt of mail and service of process, the Attorney General is obligated to verify the participation of a specific program participant. The person requesting the verification must supply the ACP with the participant's name and the ACP authorization code number. However, the ACP cannot provide any additional information including the participant's actual location.

In some situations, where an agency has bona fide statutory or administrative authority for use of or need of an individual's actual address, an agency may petition the Office of the Attorney General for an exemption to the ACP laws. If the Office of the Attorney General grants the



agency an ACP exemption, program participants involved with that agency may have to reveal their actual location.

In addition, participants will be required to provide their actual address when purchasing firearms from a gun dealership. Participants are required to provide their actual address to law enforcement during the issuance of a traffic summons for a traffic violation and during a criminal investigation or arrest situation.

**DISCLOSURE OF RECORDS:** The Office of the Attorney General will not make any records available in a participant's file (including the participant's address and phone number) for inspection or copying unless:

- 1) directed in a court order or
- 2) requested by a law enforcement agency.

Access will not be denied to the participant, or to the parent or legal guardian of a program participant in cases where the program participant is a minor child or an incapacitated person, unless the parent or legal guardian is named as the program participant's assailant.

A participant's actual address may be entered in to the Virginia Criminal Information Network (VCIN) system so that it may be made known to law-enforcement officers accessing the VCIN system for law enforcement purposes only. In order to protect against unnecessary disclosure of participants' actual addresses to law enforcement officers, safeguards have been implemented with regard to the VCIN system. When a participant is queried in the VCIN system, the records will reflect that he or she is an ACP participant, and that the officer must contact the VCIN operator at the Virginia State Police to obtain the participant's actual address. The VCIN operator will then verify the identity of the officer and requesting department and provide the actual address through the secure VCIN terminal.

In the event that the participant's abuser is a law enforcement officer, it is the responsibility of the ACP participant to seek a protective order against the law enforcement officer in order to prevent that officer's access to the participant's information through the VCIN system.

Records are exempt from disclosure under the Virginia Freedom of Information Act (Va. Code Ann. § 2.2-3700 et. seq.).

**UPDATING DRIVER LICENSE OR IDENTIFICATION CARD:** In order to have the ACP address on a valid Virginia driver's license or photo identification card, participants will need to change the address with the Department of Motor Vehicles (DMV) and obtain a replacement document. Or, if a participant wishes to obtain a Virginia driver's license or photo identification card for the first time, they will need to establish the ACP address in DMV's records.

In order to change a current address to the ACP address or to establish a new record using the ACP address in DMV's records, participants must contact DMV's Identification Review Services group (DMV/IRS) by telephone at (804) 367-0064 and provide them with the participant name and unique authorization code as displayed on the ACP participant card. This office is open Monday – Friday between 8:00 AM and 5:15 PM and Saturday 8:00 AM – 12:00 noon.

DMV/IRS will verify enrollment in the program and will update the mailing and residence addresses on the participant's record. The new addresses will be those assigned by the Attorney General's Office. Once the address is updated, participants will be eligible to obtain a replacement driver's license or ID card through all service methods normally available including in person at a DMV office or through the Internet or Touch tone. If no license or ID is currently held, the participant will be able to make application in person at any DMV office. Further details can be found on DMV's website at [www.dmvNOW.com](http://www.dmvNOW.com) or by calling DMV Customer Service Toll Free: 1-866-DMVLINE (1-866-368-5463) or 1-800-435-5137 or TTY: 1-800-272-9268. The new driver's license or ID card will display the P.O. Box mailing address assigned by the Attorney General's Office.

When a participant is no longer enrolled in the Address Confidentiality Program they will be responsible for changing their address with DMV. To do this, the participant must notify DMV/IRS using the contact information above.

**UPDATING VEHICLE REGISTRATION:** ACP participants will be responsible for notifying DMV of any change to the garage jurisdiction of vehicles registered in Virginia. Participants who own a motor vehicle registered in Virginia must change their address with DMV and obtain a replacement document. In order to do this they should complete the DMV's Address Change Request. The application can be obtained at the local DMV office or online at:

<http://www.dmv.virginia.gov/webdoc/pdf/isd01.pdf>

When completing the application, participants should enter the mailing and residence addresses assigned by the Attorney General's Office. The actual garage jurisdiction should be entered in the "garage jurisdiction" box. The form should be mailed to:

Virginia Department of Motor Vehicles  
Customer Service Renewal Center (Rm. 308)  
P.O. Box 27412  
Richmond, VA 23269

The new registration card(s) will be mailed to the participant using the ACP mailing address.

**VOTING BY ACP PARTICIPANTS:** For purposes of registering to vote, ACP participants are required to provide their actual street address on voter application materials. The participant's actual street address will be used by election officials to verify that the participant is qualified to vote and to determine their precinct. Upon presenting an ACP authorization card, the participant may request that the ACP substitute P.O. Box address be used in lieu of his/her actual street address on public voting records. *The ACP participant should be cautioned that, although the residential address will not be made readily available on certain publicly available lists, the residential address may still appear on other voter documents, including the application itself, that may be subject to public inspection, as permitted by law.*

For purposes of voting, the ACP participant will present to the officer of election an appropriate form of identification, such as a valid Virginia Driver's license. The ACP participant should also

inform the officer of election of their ACP substitute address, either verbally or by presenting their ACP authorization card. The poll book used by the officer of election to determine whether a voter is qualified will only include the voter's ACP substitute address, not his/her actual street address. Despite current available limitations on public disclosure of the ACP participant's actual physical address, *the participant's residential address may still appear on certain voter documents that may be subject to public inspection, as permitted by law.*

**ACP PARTICIPANTS AND SCHOOL RECORDS:** Virginia law requires each school division to provide a free public school education to each person of school age who resides within the school division. Virginia law also permits school boards to charge tuition to students who do not reside within the school division but wish to attend the division schools. Because a program participant's substitute address has no relation to the participant's actual location, it may be necessary for a school board to verify the *bona fide* residence of a participant within a particular school division by contacting the Office of the Attorney General in order to ensure receipt of free public school education.

Participation in the Address Confidentiality Program will not affect the rights and protections afforded by the Family Educational Rights and Privacy Act (FERPA). FERPA is a federal law that protects the privacy of student education records. FERPA gives parents certain rights with respect to their children's education records. Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. ACP participants should work with school officials to ensure that the substitute address is reflected in education records.

**CERTIFICATION CANCELLATION:** Participants are certified for one (1) year following the date of certification unless the certification is withdrawn or cancelled before that date. A participant may voluntarily withdraw their certification at any time. The ACP can cancel a participant's certification in the following instances:

- 1) If the participant obtains a name change;
- 2) If the participant changes address from the address on the application and the participant does not notify the ACP within 7 days;
- 3) If mail forwarded to the participant is returned as non-deliverable;
- 4) If the participant knowingly uses false information during the application process;
- 5) If the 1 year certification period has expired and the participant has not submitted a renewal form;
- 6) If the participant has been placed on parole or probation while a participant in the ACP;  
or
- 7) If the participant is required to register as a sex offender pursuant to Va. Code Ann. § 9.1-900 et. seq.

**CONTACT:** For any questions regarding the ACP, contact Melissa McMenemy, V-STOP and Domestic Violence Initiatives Coordinator, at (804) 692-0592 or [mmcmenemy@oag.state.va.us](mailto:mmcmenemy@oag.state.va.us).

**Appendix C**  
**Application Materials**



Kenneth T. Cuccinelli, II  
 Attorney General  
 Commonwealth of Virginia

## ADDRESS CONFIDENTIALITY PROGRAM APPLICATION

Please mail completed application  
 & checklist with signed authorization card form(s) to:

For ACP Use only

**ACP**  
**PO BOX 1133**  
**Richmond, Virginia 23218-1133**

#	
---	--

<b>Type of application:</b> <input type="checkbox"/> <b>New</b> <input type="checkbox"/> <b>Reinstatement</b> <input type="checkbox"/> <b>Renewal</b> <input type="checkbox"/> <b>New Name</b> <input type="checkbox"/> <b>New Address</b> <input type="checkbox"/>		
<b>APPLICANT'S LEGAL NAME</b> (First, Middle, Last)		<b>DATE OF BIRTH</b> (mm/dd/yyyy)
Mr. Ms.		
Has applicant ever participated in a confidential address program in VA or in another state? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, in what state?		
<b>CO-APPLICANT NAME(s)</b> (First, Middle, Last)	<b>DATE OF BIRTH</b> (mm/dd/yyyy)	<b>Relationship to applicant</b>
A.		
B.		
C.		
D.		
E.		
NOTE: Adult co-applicants <b>must</b> sign the application, checklist, and an authorization card form.		
<b>RESIDENCE ADDRESS</b> (Actual residential address is <b>required</b> to participate in the ACP.)		
Street Address: _____		Apt # _____
City _____	VA ZIP _____	County: _____
If mail delivery is not available at this address, please call the ACP.		
<b>TELEPHONE #1</b> (circle one) home/work/cell (      )	<b>TELEPHONE #2</b> (circle one) home/work/cell (      )	<b>TELEPHONE #3</b> _____ (      )

**CERTIFICATION CANCELLATION:** Participants are certified for 1 year following the date of certification unless the certification is withdrawn or cancellation before that date. A participant may voluntarily withdraw his or her certification at any time. The ACP can cancel a participant's certification in the following instances:

- 1) If the participant obtains a name change;
- 2) If the participant changes address from the address on the application and the participant does not notify the ACP within 7 days;
- 3) If mail forwarded to the participant is returned as non-deliverable;
- 4) If the participant knowingly uses false information during the application process;
- 5) If the 1 year certification period has expired and the participant has not submitted a renewal form;
- 6) If the participant has been placed on parole or probation while a participant in the ACP; or
- 7) If the participant is required to register as a sex offender pursuant to the Sex Offender and Crimes Against Minors Registry program (Chapter 9, of Title 9.1 of the Code of Virginia).

*I am (or the applicant/co-applicant for whom I am the parent/guardian is) a victim of **domestic violence** and I fear further violent acts from my abuser. I am a resident of the Commonwealth of Virginia and have recently relocated to a place unknown to the abuser. I certify that I am not on active parole or probation supervision requirements under federal, state, or local law. I certify that I am not a convicted sex offender for which registration is required pursuant to the Sex Offender and Crimes Against Minors Registry program as statutorily provided through Chapter 9, of Title 9.1 of the Code of Virginia. I understand that knowingly providing the ACP with false or incorrect information is punishable under Va. Ann. Code §18.2-434 or other applicable statutes and may jeopardize my participation in the program. I certify under penalty of perjury that the information contained in this form is true and accurate.*

\_\_\_\_\_  
Signature of Applicant or Parent/Guardian

\_\_\_\_\_  
Date

Sworn and subscribed to before me, a Notary Public, in and for the State of Virginia, County/City of

\_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Signature of Person Who Assisted in Preparation

\_\_\_\_\_  
Date

Questions? Call ACP at 804-692-0592

11/2012



Kenneth T. Cuccinelli, II  
Attorney General  
Commonwealth of Virginia

Address Confidentiality Program  
P.O. Box 1133  
Richmond, Virginia 23218-1133

**ADDRESS CONFIDENTIALITY PROGRAM**  
**P.O. Box 1133, Richmond, VA 23218-1133**  
**(804) 786-2071**  
**domesticviolence@oag.state.va.us**

**CHECKLIST OF UNDERSTANDING**  
**\*Please initial all Blanks\***

- \_\_\_ I understand that it is my responsibility to notify family, friends, businesses, and government agencies that I have moved to a confidential location and have an Address Confidentiality Program (ACP) mailing address;
- \_\_\_ I understand that the ACP is a mail-forwarding service, so my mail will go to the ACP office first and then the ACP will forward it to my home. I understand that the ACP does not forward magazines, packages and/or presorted standard “junk” mail. Only first class mail will be forwarded to me. I understand that participation in ACP means it may take longer to receive my mail;
- \_\_\_ I understand that it is my responsibility to notify state and local government agencies that I participate in the ACP. When my application is processed, the ACP will send me an authorization card printed with my ACP substitute address. If I want a state or local government agency to accept my ACP substitute address instead of my home address, I need to show my ACP authorization card to the agency employee;
- \_\_\_ I understand that I share the ACP address (P.O. Box 1133) with other participants. The ACP receives a large volume of mail each and every day. I understand that if the ACP Post Office Box AND the ACP Code number is not on my mail, my mail will be delayed or may never reach me;
- \_\_\_ I understand that I am required by law to notify the ACP of my new address within seven days. I understand that if I submit a mail forwarding order with the United States Postal Service (USPS), my new address will be placed on a national database;

- \_\_\_ I understand that applying under a name other than my legal name could result in denial of ACP privileges or denial of services from other government agencies. I understand that the ACP cannot forward mail to me if it is addressed to a name different than the name (or names) I wrote on the ACP application;
- \_\_\_ I understand that government agencies and businesses often share information. Giving information to one agency or business may mean others have access to it. If I choose to give my actual address to a state or local government agency, that agency **does not have to** and **probably will not** keep my actual address confidential;
- \_\_\_ I understand that my actual address will be disclosed to law enforcement officers and may be entered into the Virginia Criminal Information Network (VCIN) for law enforcement purposes;
- \_\_\_ I understand that, if my abuser is a law enforcement officer, the best means of protecting my address from disclosure to my abuser as a law enforcement officer is to seek a protective order against my abuser, if possible. I understand that if I do not do so, my abuser may access my address through VCIN or in his or her capacity as a law enforcement officer;
- \_\_\_ I understand that, in order to have my ACP address on my driver's license or identification card, I must update my information by completing and submitting a Driver's License and Identification Card Application to the DMV. In order to update my vehicle registration I must complete and submit an Address Change Request to the DMV. I understand that my ACP authorization card is proof that I am a participant in the program and it is not proof of identity;
- \_\_\_ I understand that only state and local government agencies are required to accept my ACP substitute address in place of my home address. Private companies such as banks, grocery or department stores, credit reporting agencies, etc., are not required to accept my ACP substitute address. In these cases, it is my responsibility to explore safe options;
- \_\_\_ I understand that Virginia state law prohibits disclosure of participant's records under the Virginia Freedom of Information Act (§2.2-3700 et. seq.). I understand the only circumstances under which the ACP will release my file information – including street address and phone number(s) – would be to law enforcement for law enforcement purposes, to a state agency with *bona fide* statutory basis for requiring the ACP to disclose my actual address, or by court order;
- \_\_\_ I understand that the information I give to the ACP is confidential, but my participation in the ACP is not. If asked, the ACP will verify that I am a program participant and that the ACP substitute address is my legal mailing address;
- \_\_\_ I understand that my participation in the ACP will be cancelled if: 1) I request cancellation, 2) the ACP discovers that I provided false information on the ACP



application, 3) I move from the address I have given the ACP and do not notify the ACP in advance, 4) mail forwarded to me is returned to the ACP as undeliverable, 5) I move permanently or temporarily out of state, 6) I change my name through an order of the court, 7) I have been placed on parole or probation while I am a participant of ACP, or 8) I am required to register as a sex offender pursuant to the Sex Offender and Crimes Against Minors Registry, Chapter 9, of Title 9.1 of the Code of Virginia. If any one of the above events occur, I understand that I am required to return the ACP card to the Attorney General's Office via first-class mail;

\_\_\_ I understand that, as an ACP participant, the Office of the Attorney General is my legal agent for service of process and receipt of mail (Va. Ann. Code §2.2-515.2). If the ACP accepts legal documents or certified mail addressed to me, it is as if I received the mail myself;

\_\_\_ I understand that I am ineligible to participate in the ACP if I am a sex offender for which registration is required pursuant to the Sex Offender and Crimes Against Minors Registry program as statutorily provided through Chapter 9 of Title 9.1 of the Code of Virginia;

\_\_\_ I understand that, upon receiving my application, the ACP will conduct a search of the Sex Offender and Crime Against Minors Registry and may contact the Virginia State Police to determine ineligibility due to conviction(s) of sexual offense(s) for which registration is required;

\_\_\_ I understand that I am ineligible to participate in the ACP if I am currently on parole and/or probation. I understand that I must notify the ACP if I am placed on parole and/or probation while I am a participant in the ACP. If I am placed on parole and/or probation while I am a participant in the ACP, my participation in the program will be cancelled;

\_\_\_ I understand that, if I am a resident of temporary housing for 30 days or less at the time of my application, I am ineligible to participate in the ACP until I obtain a permanent residential address;

\_\_\_ I understand that, pursuant to federal and state law, I must provide my actual address along with a photo identification issued by the a government agency of the Commonwealth of Virginia or by the United States Department of Defense when purchasing a firearm from a gun dealership. The information contained in the application is shared with law enforcement and is retained by law enforcement for 30 days, and is retained by the gun dealership indefinitely;

\_\_\_ I understand that I will be required to provide my actual address in court proceedings. Information contained in court records is public information;

\_\_\_ I understand that, during the issuance of a traffic summons for a traffic violation, I will be required to provide my actual address to law enforcement;

\_\_\_ I understand that, during a criminal investigation or arrest situation, I will be required to provide my actual address to law enforcement.

\_\_\_ I understand that, in order to register to vote, I will be required to provide my actual address to the State Board of Elections. It is my responsibility to tell the State Board of Elections that I am a member of the ACP so my substitute ACP address will be used on certain voter documents. I understand that, although my physical address will not be made readily available on certain publicly available lists, the address may still appear on other voter documents, including the application itself, that may be subject to public inspection, as permitted by law.

*I understand the items above and*

*I hereby designate the Office of the Attorney General as my legal agent for service of process and receipt of mail. I authorize the Office of the Attorney General to act on my behalf or in my place when processing my mail.*

**Signature of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature of Adult Co-applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Sworn and subscribed to before me, a Notary Public, in and for the Commonwealth of Virginia, County/City of \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Please initial all blanks, sign and mail the Checklist to:  
Address Confidentiality Program  
P.O. Box 1133  
Richmond, Virginia 23218-1133

Questions? Contact ACP at 1-804-786-2071 or [domesticviolence@oag.state.va.us](mailto:domesticviolence@oag.state.va.us)

**Appendix D**  
**Current Estimated Yearly Operating Costs**

### Current Estimated Yearly Operating Costs

<b>Category</b>	<b>Proposed Expenditures</b>	<b>Calculation of Estimated Costs</b>	<b>Estimated Cost</b>
<b>Postage</b>	Postage associated with forwarding mail to ACP participants and distribution of program materials to local programs and agencies	Rough estimation based upon anticipated increase in mail use with increased number of ACP participants and increased information to local domestic violence programs	<b>\$1,000.00</b>
	One year rental of Post Office Box	One year (12 month) rental fee is \$100.00	<b>\$100.00</b>
<b>Program Materials</b>	Printing of ACP program brochures	10,000 brochures at \$0.23 per brochure	<b>\$2,300.00</b>
	Printing of program application materials	Paper and ink for printing are included in supply costs	<b>\$250.00</b>
<b>Training and Technical Assistance</b>	Travel for OAG Staff to conduct trainings for state and local agencies and domestic violence programs on the ACP program and working with ACP participants	Estimated travel costs based upon per diem and mileage expenses; See Appendix F	<b>\$1,058.00</b>
	Costs associated with telephone conference calls with local programs and agencies to provide training and technical assistance	VITA charges \$0.047 per minute for each participant; One 60 minute call with 10 participants is \$28.20; estimated 10 conference calls scheduled each year	<b>\$282.20</b>
<b>Supplies</b>	Supplies for operation of program (e.g. envelopes, paper, laminating materials)	Calculated using current supply costs for items currently used by the program	<b>\$1,120.00</b>
<b>TOTAL</b>			<b>\$6,110.00</b>