



COMMONWEALTH of VIRGINIA

*Office of the Attorney General
Richmond 23219*

ADDRESS CONFIDENTIALITY PROGRAM
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COMMONWEALTH OF VIRGINIA ADDRESS CONFIDENTIALITY PROGRAM

SUMMARY OF THE PROGRAM: The Address Confidentiality Program (ACP) provides services to domestic violence and stalking victims. **Effective July 1, 2014, victims of stalking are eligible to participate in the Address Confidentiality Program.**

The ACP is administered by the Office of the Attorney General pursuant to 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 their abuser or stalker. The goal of the Address Confidentiality Program is to help domestic violence and stalking 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 and stalking who have confidentially relocated to a location unknown by their abusers or stalkers. 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 and 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, and executed lease or billing statement) should be mailed to the ACP at 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, catalogs, or packages.

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, if possible based upon the specific circumstances, 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 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 ACP.

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 may cancel a participant's certification in the following instances:

- 1) If the participant obtains a name change by a court order and does not provide notice and a copy of the order to the ACP within seven (7) days after entry of the order;
- 2) If the participant changes address from the address on the application and the participant does not notify the ACP within seven (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 one (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.

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