

CHAPTER 20. ADDRESS CONFIDENTIALITY PROGRAM

75:20-1-1. Purpose

This chapter ~~establishes administrative procedures necessary to implement~~ implements the Address Confidentiality Program authorized under title 22 of the Oklahoma Statutes.

75:20-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless context clearly indicates otherwise.

~~"ACP" means Address Confidentiality Program.~~

"Address Confidentiality Program" or "ACP" means the statutorily created program responsible for implementing the provisions of 22 O.S., §§ 60.14 et. seq. ~~within the Office of the Oklahoma Attorney General~~ title 22, section 60.14 of the Oklahoma Statutes.

~~"Application Assistant"~~ **"Assistant"** means a volunteer or employee of a designated agency that has been trained and registered by the Office of the Oklahoma Attorney General to assist individuals in the application process.

~~"Authorization Card"~~ **"Card"** means the card issued by the ACP Program Manager to a program participant upon certification identifying them as a program participant.

~~"Authorization Number"~~ **"Number"** means a number assigned to a program participant by the ACP Program Manager upon certification.

"Certification" means the process by which an applicant is determined eligible to participate in the program.

~~"Designated Agency"~~ **"Agency"** means a state or local agency, federal government, a federally recognized tribal government agency, or a nonprofit agency that provides counseling, shelter, or other services to victims of domestic abuse, sexual assault, human sex trafficking, or stalking that has been identified by the Office of Attorney General as a place where persons apply to be program participants.

"Minor" means a person who is less than eighteen (18) years of age.

~~"Office" means the Oklahoma Office of the Attorney General.~~

~~"Program Manager"~~ **"Manager"** means the employee of the ~~Victim Services Unit of the Office of Attorney General~~ designated by the ~~Oklahoma~~ Attorney General to administer the Address Confidentiality Program.

~~"Participant" means the same as 22 O.S. § 60.14(B)(2).~~

~~"Record" means a public record as defined in 51 O.S., § 24A.3.~~

~~"Substitute Mailing Address"~~ **"Address"** means the address assigned to a program participant by the ~~Victim Services Unit of the Office of Attorney General~~.

~~"Victims Advocacy and Services Unit" and "VASU" means the unit within the Office designated to administer the Address Confidentiality Program.~~

75:20-1-3. Forms and informational material

~~(a) The Attorney General~~ ACP has prepared the following forms and informational materials related to this Chapter:

- (1) Application Assistant Agreement Form;
- (2) Application Assistant Training Manual;
- (3) Application Assistant Guide;
- (4) Address Confidentiality Program Application;
- (5) Program Agreement;
- (6) Authorization Card Form;
- (7) Change of Address Form;
- (8) Address Confidentiality Program Brochure;
- (9) ACP Implementation in Public Schools; and
- (10) Participant Verification Form.

(b) The Office shall, as it deems it necessary, update the forms and information material subject to the Attorney General's approval. Copies of all forms and information material shall be available at the Office and may be available on the Office's website.

75:20-1-4. Application assistants

- (a) Prior to being designated as an application assistant, an individual must:
 - (1) Attend required training sessions provided by the ACP;
 - (2) Agree to adhere to the policies, procedures, and directions provided by the ACP for rendering assistance to program applicants; and
 - (3) Complete and sign an application assistant agreement form.
- (b) Upon completion of the ~~registration~~training process, the ACP will notify the application assistant of such designation.
- (c) Designation as an application assistant is valid for two (2) years.
- (d) The application assistant agrees not to discriminate against any client, or potential ~~program~~ACP participant, because of race, creed, color, national origin, gender, sexual orientation, age, or mental, physical or sensory disability.
- (e) An application assistant is not deemed to be an employee of the Office ~~of Attorney General~~ nor an agent of the Office ~~of Attorney General~~ in any manner whatsoever. An application assistant shall not hold ~~himself/herself~~himself or herself out as, nor claim to be an officer or employee of ~~the Office of Attorney General~~ or the State of Oklahoma and shall not make any claim, demand, or application to or for any right or privilege applicable to an officer or employee of the Office ~~of Attorney General~~ or of the State of Oklahoma.
- (f) In the event an application assistant no longer wishes to be designated as such or leaves his or her present position, the application assistant shall provide written notification to the ACP Program Manager.
- (g) An application assistant's designation may be canceled by the Office ~~of Attorney General~~ for failing to abide by the requirements set forth in this ~~Section~~section or for failing to act in accordance with ~~the requirements of the Address Confidentiality Program~~requirements.

75:20-1-5. ~~Criteria for program participation~~Application, certification, and renewal

- ~~———— To participate in the Address Confidentiality Program, an individual must meet the following criteria:~~
- ~~(1) A person attempting to escape from actual or threatened domestic violence, sexual assault, human sex trafficking, or stalking, or a person residing with another person who is attempting to escape from actual or threatened domestic violence, sexual assault, human sex trafficking, or stalking;~~
 - ~~(2) Fears for his or her safety and/or the safety of other family members;~~
 - ~~(3) Recently established a residence address in Oklahoma unknown to the abuser or is planning to move in the near future;~~
 - ~~(4) Is eighteen (18) years of age or older or a parent or guardian acting on behalf of a minor or incapacitated person; and~~
 - ~~(5) Agrees to all of the terms in the Program Agreement checklist.~~
- (a) **Application required.** Any person who meets the criteria for certification and wishes to apply to be a program participant shall complete an application packet. The packet includes the ACP application and a Program Agreement.
 - (b) **Request for application packet.** Any person who wishes to apply to be a program participant may obtain from an application assistant at a designated agency to assist persons in the application process.
 - (c) **Applicant must file the application packet.** To be considered for certification as a program participant, an applicant must file a completed and signed applicaiton packet with the Address Confidentiality Program.
 - (d) **Assistance or counseling with completing application.** No assistance or counseling rendered to an applicant during the application process shall in no way be construed by an applicant as legal advice.
 - (d) **Initial certification and term.** Only after a completed application is approved by the ACP shall an applicant become a program participant, assigned a substitute address, and issued an authorization card. The card shall include the program participant's name, date of birth, authorization number, substitute mailing address, certification expiration date, and participant's signature. The term of initial certification shall be four (4) years from the date of approval of the complete application.

(e) Eligible participants. The following persons shall be eligible to apply as a program participant in the ACP:

- (1) An adult escaping from actual or threatened domestic violence, sexual assault, stalking, human trafficking, or child abduction;
- (2) An adult residing with an ACP applicant who has been the victim or potential victim of domestic violence, sexual assault, stalking, human trafficking, or child abduction;
- (3) A minor residing with an ACP applicant who has been the victim or potential victim of domestic violence, sexual assault, stalking, human trafficking, or child abduction; and
- (4) Any incapacitated person who applies by and through a guardian.

(f) Separate applications required for adults. An adult who is not the target of actual or threatened domestic violence, sexual assault, stalking, human trafficking, or child abduction residing with an ACP applicant must submit a separate application to be a program participant.

(g) Applications submitted for minors. A parent or guardian of a minor may submit an application on the minor's behalf.

(h) Criteria for certification. To be an eligible program participant in the Address Confidentiality Program, a person must meet the following criteria:

- (1) Demonstrate that he or she seeks protection from actual or threatened domestic violence, sexual assault, human sex trafficking, or stalking;
- (2) Fears for his or her safety or the safety of other household members;
- (3) Recently established a residential address in Oklahoma unknown to the assailant or probable assailant or is planning to move in the imminently; and
- (4) Agrees to all of the terms in the Program Agreement checklist.

(i) Renewal of certification. A program participant may renew his or her program certification for additional four-year term by filing the following information with the ACP:

- (1) The participant's current authorization card;
- (2) A completed renewal application; and
- (3) A new, signed authorization card.

75:20-1-6. Applying for participation [REVOKED]

(a) Any person meeting the criteria to be a program participant who wishes to apply to the Address Confidentiality Program shall complete the required application packet. The application packet consists of an Address Confidentiality Program Application and a Program Agreement.

(b) The application packet shall be obtained from an Application Assistant at a designated agency to assist persons in the application process.

(c) The completed and signed application packet shall be filed with the ACP.

(d) *Any assistance or counseling rendered to applicants shall in no way be construed as legal advice.* [22 O.S., § 60-14(H)]

75:20-1-7. Certification [REVOKED]

(a) Upon approval of the completed application by the ACP, the applicant is certified as a program participant, assigned a substitute address, and issued an authorization card. The authorization card includes the program participant's name, date of birth, authorization number, substitute mailing address, certification expiration date, and participant's signature.

(b) The term of a program participant's certification shall be four (4) years.

75:20-1-8. Certification renewal [REVOKED]

(a) A program participant may renew program certification by filing with the ACP the following information:

- (1) The participant's current authorization card;
- (2) A properly completed renewal application; and
- (3) A new signed authorization card.

(b) The term of renewal shall be an additional four (4) year term.

75:20-1-9. Certification withdrawal and/or cancellation

- (a) **Voluntary withdrawal of participation.** ~~An~~ program ACP participant may withdraw from ~~participating in the program ACP~~ by submitting ~~to the ACP~~ written notice of withdrawal and his or her current authorization card ~~to the Office~~. The withdrawal will be effective on the day of receipt of the notification by the ~~ACP Office~~.
- (b) **Mandatory cancellation.** The ACP Program Manager shall cancel a program participant's certification and invalidate his or her authorization card if:
- (1) ~~An~~ program ACP participant's certification term has expired and a renewal application has not been filed within fourteen (14) days after the term expired;
 - (2) ~~An~~ program ACP participant knowingly provided false or ~~incorrect~~ misleading information when applying for certification; or
 - (3) A program participant obtains a name change.
- (c) **Discretionary cancellation.** ~~The~~ At the discretion of the Attorney General, the ACP Program Manager may cancel a program participant's certification for any of the following reasons:
- (1) The program participant no longer resides at the residential address listed on the application and has not provided written notice within seven (7) days after the change in address has occurred;
 - (2) Mail forwarded to ~~the~~ an ACP participant is returned non-deliverable or unclaimed.
 - (3) ~~An~~ program ACP participant has failed to abide by the requirements of the ~~Address Confidentiality Program as outlined in the Program Agreement checklist~~ and has been notified in writing two (2) times at the last known mailing or residential address of the failures to abide by the agreement.
- (d) **Notification of cancellation.** The ACP shall attempt to notify the participant of the cancellation in writing at the last known mailing or residential address, by phone, ~~or by email~~, or other method of electronic communication.

75:20-1-10. Use of the substitute address

- (a) The substitute address serves as the participant's residence, school, and work address.
- (b) When creating state and local government or tribal records or updating existing records, a program participant shall show the participant's authorization card to the agency and request address confidentiality using the substitute address.
- (c) The agency employee assisting the program participant may make a file photocopy of the authorization card.
- (d) The agency shall accept the substitute address unless the agency has received a written exemption from the ~~Office of Attorney General in accordance with section 14 of this chapter. See OAC 75:20-1-14.~~
- (e) The agency shall not question the program participant about the details or circumstances of the participant's inclusion in the program.
- (f) All mail addressed to the participant at the substitute address shall include the authorization number appearing on the participant's authorization card.
- (g) Mail received at the substitute address will be forwarded by the ACP Program Manager at no charge to the participant at the participant's actual mailing address ~~with the exception of, except for~~ magazines, books, periodicals, packages, and junk mail.
- (h) Delivery of a participant's mail may be delayed as much as three (3) to five (5) days. ~~It is important to remember this fact when sending time sensitive documents to a participant.~~
- (i) ~~The Office of Attorney General shall not be required to track or otherwise maintain records of any mail received on behalf of a participant unless the mail is certified or registered.~~

75:20-1-11. Public schools

- (a) **Enrollment of student.** At the time of enrollment, a student participating in the ACP shall go to the ~~school's~~ school district's administrative office for assistance and present the student's authorization card.
- (b) **Enrollment eligibility.** The school shall contact the ACP Program Manager and request verification of enrollment eligibility. Eligibility for enrollment will be determined using the residence address shown in the participant's records.
- (c) ~~Eligibility for enrollment will be determined using the residence address shown in the participant's records.~~
- (d) ~~The ACP will notify the school district of its findings both verbally and in writing.~~

~~(e)(c)~~ **ACP cooperation with school district.** If questions are raised regarding the student's eligibility, the ACP Program Manager will work directly with the school superintendent or the superintendent's designee to resolve the matter.

~~(f)(d)~~ **Correspondence from school.** All school correspondence mailed to the student ~~and/or~~ the student's parent or guardian shall be sent to the substitute address.

~~(g)(e)~~ Requests for the transfer of a student's records from one school to another shall be handled by the ACP Program Manager upon written authorization from the parent or guardian. The ACP Program Manager may assist a parent or guardian with the transfer of a student's records from one school to another to the extent authorized by the parent or guardian.

75:20-1-12. Voter registration

(a) **Registering as an ACP voter.** An ACP participant who is otherwise qualified to vote may register to vote as an ACP participant voter through the State Election Board in accordance with title 230, chapter 15, subchapter 5, section 83.1 of the Code. ~~{OAC 230:15-5-83.1}~~

(b) **Voting by absentee ballot only.** ACP participants who become registered as ACP participant voters may vote only by absentee ballot. ACP participant voters will receive absentee ballots by mail at the participant's substitute address for all local, state and national elections in which the participant is eligible to vote. ~~{OAC 230:15-5-83.1(a)}~~

(c) **Confidentiality of ACP participant voter records.** All records pertaining to an ACP participant voter shall be maintained in a manner ensuring these records are accessible only to authorized personnel and shall not be publicly accessible. The name, address, precinct number, and absentee ballots of any ACP participant voter shall not be released to any person for any purpose except by court order. Additionally, the name, address, precinct number, and absentee ballots of any ACP participant voter shall not appear on any list or report produced by either the State Election Board or a county election board.

~~(d) The name, address, precinct number, and absentee ballots of any ACP participant voter shall not be released to any person for any purpose except by court order. Additionally, the name, address, precinct number, and absentee ballots of any ACP participant voter shall not appear on any list or report produced by either the State Election Board or County Election Board. {OAC 230:15-5-73(d)}~~

~~(e)(d)~~ **ACP notifications to the State Election Board.** The ACP shall notify the State Election Board when an ACP participant voter's one or more of the following occurs:

- (1) An ACP participant's program certification has expired;
- (2) An ACP participant's program certification has been withdrawn or canceled;
- (3) An ACP participant's absentee ballot is returned non-deliverable; or
- (4) An ACP participant's residential address changes.

75:20-1-13. Service of process

(a) **Registered agent.** The Victim Services Unit of the Office of Attorney General VASU is designated as agent for service of process and receipt of mail for all ACP participants.

(b) **Address for legal correspondence.** Service on the Office of Attorney General of any summons, writ, notice, demand or process can be made by mailing to the substitute address or by delivering in person to the Victim Services Unit of the Office of Attorney General VASU, 313 NE 21st Street, Oklahoma City, OK 73105.

(c) **Immediate forwarding of service of process.** When a summons, writ, notice, demand or process is served on the Office of Attorney General, the ACP Program Manager shall immediately forward a copy to the program participant by first-class mail at the participant's current mailing address shown on the ACP records.

(d) **Maintenance of service of process records.** The ACP Program Manager shall maintain in the program participant's file, a record of all summonses, writs, notices, demands, and processes served upon the Office of Attorney General for that participant, which shall include the date of such service and the action taken.

75:20-1-14. Agency exemption

(a) **Request for exemption by agency.** An agency requesting an exemption under ~~22 O.S. § 60.14(F)~~ title 22, section 60.14, subsection f of the Oklahoma Statutes must provide in writing to the Office of Attorney General the following:

- (1) Identification of the federal or state statute or administrative rule that demonstrates the agency's bona fide requirement and authority for the use of the actual address of the participant;
- (2) Identification and description of the specific record for which the exemption is requested;
- (3) Identification of the individual(s) who will have access to the record;
- (4) An explanation of how the acceptance of a substitute address will prevent the agency from meeting its obligations under the statute or rule identified above; and
- (5) An explanation of why the agency cannot meet its statutory or administrative obligations by a change in its internal procedures.

(b) **ACP determination.** The determination of the Office of ~~Attorney General~~ to grant or deny a request for exemption will be based on, but not limited to, an evaluation of the information provided under this ~~Section~~section.

(c) **Issuance of exemption.** If the Office of ~~Attorney General~~ determines that an agency has a bona fide federal or state statutory or administrative requirement for the use of a program participant's actual address and that the address will be used only for those statutory and administrative purposes, the Office of ~~Attorney General~~ may issue a written exemption for the agency. The written exemption may include:

- (1) An agency's obligation to maintain the confidentiality of a program participant's address;
- (2) Limitations on the use and access to the address;
- (3) Term during which the exemption is authorized for the agency;
- (4) Designation of the record format on which the address information may be maintained;
- (5) Designation of an address information disposition date after which the agency may no longer maintain a record of the address information.
- (6) Any provisions and qualifications determined appropriate by the Office of ~~Attorney General~~.

(d) **Denial of exemption.** The denial by the Office of ~~Attorney General~~ of an agency exemption request shall be made in writing and include a statement of the specific reasons therefore.

(e) **Maintenance of records.** The Office of ~~Attorney General~~ shall keep a record of all exemptions and all documentation relating to requests for exemption.

75:20-1-15. Disclosure of records [REVOKED]

(a) The Office of Attorney General shall not make any records in a program participant's files available for inspection or copying unless directed by a court order to the person identified in the order. [22 O.S., § 60-14(G)] The participant information disclosed to a person identified in a court order shall be maintained in strict confidentiality by the party receiving the information.

(b) The Office of Attorney General may verify the participation of a specific program participant to state, local, federal or tribal government agencies, in which case the Office of Attorney General may only confirm information supplied in writing to the Office of Attorney General by the requestor. State or local agencies are prohibited from knowingly and intentionally disclosing a program participant's actual address unless disclosure is permitted by law.

(c) The substitute address assigned to an ACP participant is not confidential.

(d) The ACP Program Manager shall provide immediate notification of disclosure to the ACP participant when disclosure takes place, if not otherwise prohibited by law.