



Use of the Danger Assessment in Family Justice Centers

Alliance for HOPE International recommends the following practices to protect confidential information of survivors in the use of the Danger Assessment Tool in a Family Justice/Multi-Agency Center and prevent the potential compelled disclosure of a survivor's private information in court proceedings. To protect survivor confidentiality and compelled or required disclosure of private facts under *Brady v. Maryland*, 373 U.S. 83, in a Family Justice/Multi-Agency Center, it is recommended that the Danger Assessment Tool be administered by an employee who is covered by a recognized confidentiality privilege, such as a domestic violence advocate with confidentiality privilege under state law. The Danger Assessment Tool should not be used without the knowledge and consent of the survivor. Family Justice Center Alliance Guiding Principles dictate that survivor confidentiality and privacy be protected, and that survivor choice be central to service delivery in any Center. The Danger Assessment Tool score should not be shared with any entity or partner agency without the survivor's signed, informed consent. The impacts of sharing a Danger Assessment Tool score with key partners, such as prosecutors or law enforcement, must be clearly explained to survivors before consent to share is obtained. All survivors should be provided an explanation of and be asked to sign a time-specific consent form, as required by the Violence Against Women Act (VAWA). Such a consent must authorize intake professionals to share a Danger Assessment Tool score to critical victim service providers before any information is shared. Intake professionals should be trained to understand legal concepts of evidence, and intended and unintended consequences of sharing information such as the Danger Assessment Tool score.

The Alliance also recommends all states have clear laws and legislation about Family Justice/Multi-Agency Centers and their role, responsibilities and duties surrounding privilege, consent and confidentiality. Below are excerpts from California Penal Code 13750 about Family Justice Centers written by Alliance President Casey Gwinn. We recommend similar legislation as a model for other states to adopt.

(h) (1) Each family justice center shall maintain a client consent policy and shall be in compliance with all state and federal laws protecting the confidentiality of the types of information and documents that may be in a victim's file, including, but not limited to, medical, legal, and victim counselor records. Each family justice center shall have a designated privacy officer to develop and oversee privacy policies and procedures consistent with state and federal privacy laws and the Fair Information Practice Principles promulgated by the United States Department of Homeland Security. At no time shall a victim be required to sign a client consent form to share information in order to access services.

(2) Each family justice center is required to obtain informed, written, reasonably time limited, consent from the victim before sharing information obtained from the victim with any staff member or agency partner, except as provided in paragraphs (3) and (4).

(3) A family justice center is not required to obtain consent from the victim before sharing information obtained from the victim with any staff member or agency partner if the person is a mandated reporter, a peace officer, or a member of the prosecution team and is required to report or disclose specific information or incidents. These persons shall inform the victim that they may share information obtained from the victim without the victim's consent.

(4) Each family justice center is required to inform the victim that information shared with staff members or partner agencies at a family justice center may be shared with law enforcement professionals without the victim's consent if there is a mandatory duty to report, or the client is a danger to himself or herself, or others. Each family justice center shall obtain written acknowledgment that the victim has been informed of this policy.