

INFO CURRENT AS OF OCTOBER 2000

ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE, STALKING AND SEXUAL ASSAULT

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QUESTION: I've recently moved to New Hampshire so that I could get away from my exboyfriend who abused me and who has been stalking me ever since we broke up. I have a protective order from Maine, which is effective for two years. How can I keep my new address a secret from my ex-boyfriend?

ANSWER: A new law has been passed which will take effect on January 1, 2001, which is called the Address Confidentiality Program for Victims of Domestic Violence, Stalking and Sexual Assault. The New Hampshire Legislature recognized that persons attempting to escape from actual or threatened domestic violence, stalking, or sexual assault frequently need to establish a new address in order to prevent their assailants or probable assailants from finding them. The Legislature also recognized that certain local and state agencies, i.e., motor vehicle division, would need to respond to requests for public records. A mechanism through the Attorney General's office has been created to enable state and local agencies to respond to requests for public records without disclosing the true address of the victim. The Attorney General will designate a substitute mailing address for a qualified participant in the program.

In order to take advantage of the Address Confidentiality Program a person who wants to keep their residential street address, school address, or work address secret may apply to the Attorney General to have an address designated by the Attorney General as that person's address. The application must include the following information:

1. A sworn statement by the applicant that the applicant has good reason to believe that the applicant is a victim of domestic violence, stalking or sexual assault and that the applicant fears for his or her safety. (**NOTE:** It is not a requirement to have a protective order in place, but obviously if a court has granted a protective order, that is sufficient information to qualify for the program.)
2. A designation of the Attorney General as agent for purposes of service of process and for the purpose of receipt of mail. (**NOTE:** The Legislature wanted to be very clear that a program participant cannot evade process of service of legal documents. If a participant does not accept service, that person's certification in the program will be cancelled promptly.)
3. The mailing address and telephone number where the applicant can be contacted.
4. The address or addresses (which may include residential street address, school address, or work address) that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, stalking or sexual assault. (**NOTE:** If the participant fails to inform the Attorney General of a change of residential address within 7 days, that person's certification in the program will be cancelled.)

Upon the filing of a properly completed application, an applicant will be certified as a program participant, which will be in effect for 4 years following the date of the filing, unless the certification is withdrawn or invalidated before that date.

As noted above, there are several ways in which a certification may be cancelled by the Attorney General. If the participant obtains a name change, he or she loses certification, but may immediately reapply for certification under his or her new name. If the participant fails to notify the Attorney General of a change in his or her residential address within 7 days, the certification will be cancelled. If the participant's mail is returned as nondeliverable, the certification will be cancelled. Finally, if the participant is found to have used false information, the certification will be cancelled. The statute provides that a person who uses false information of any sort on an application shall be guilty of a class B misdemeanor.

Once a person is certified as a program participant, that person may request a state or local agency use the address designated by the Attorney General as his or her address. The state or local agency should abide by that request, unless there is a bona fide statutory or administrative requirement that exempts that agency. It is unclear from the face of the law which agencies would fit into this category.

Once the state or local agency has accepted the designated address, all future mail from that state or local agency will be forwarded by the Attorney General, via first class mail, to the program participant.

The law also makes a provision regarding voting by a program participant. The participant may apply to their city or town clerk as an absentee voter and request the clerk not to make their address available for public inspection. A city or town clerk is obligated not to reveal the participant's address except if requested by a law enforcement agency or directed by a court order. The participant shall automatically receive absentee ballots for all elections in the jurisdiction for which that individual resides.

After January 1, 2001, you should contact the Attorney General's office at 603-271-3658 to obtain an application for the Address Confidentiality Program. If you would like assistance in applying to be a program participant, the Attorney General will refer you to a crisis center that provides counseling and shelter services to either victims of domestic violence, stalking, or sexual assault. Or you can call the New Hampshire Coalition Against Domestic Violence at 603- 224-8893 or 1-800-852-3388 (in New Hampshire) for assistance.

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