

Title 01
EXECUTIVE DEPARTMENT

Subtitle 02 SECRETARY OF STATE

Chapter 11 Maryland Safe at Home Address Confidentiality Program

Authority: Family Law Article, §§4-519—4-530, Annotated Code of Maryland

.01 Purpose.

A. The purpose of the Maryland Safe at Home Address Confidentiality Program is to:

- (1) Allow a victim of domestic violence to have a State or local government agency use a substitute address in place of an actual address;
- (2) Enable State and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence; and
- (3) Enable interagency cooperation in providing address confidentiality for victims of domestic violence.

B. This chapter describes the process to be followed to apply for participation in the Program. While the law permits an individual to apply for participation in the Program on that individual's own behalf, it is anticipated and encouraged that assistance with the application be provided by domestic violence programs or other professionals who may be counseling the victim. In this regard, the regulations streamline the application process when the required documentation is provided by individuals associated with domestic violence programs or other application assistants registered with the Secretary.

C. This chapter does not require or prohibit the use of the substitute address by nongovernmental entities. Acceptance of the substitute address is at the discretion of that entity. The Secretary, however, will forward all first class, registered, and certified mail received by the Secretary for a participant.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Application assistant" means an employee or volunteer:

(a) Of a federal, State, or local agency, or of a nongovernmental program, that provides counseling, referral, shelter, or other services to victims of domestic violence; and

(b) Who has been designated by the respective agency or program, and trained and registered by the Secretary, to assist individuals in completion of the Program application.

(2) "Authorization card" means the card issued by the Secretary to a participant.

(3) "Bona fide religious organization" has the meaning stated in COMAR 01.02.04.01.

(4) "Domestic violence program" means a local domestic violence service program, in the State, designed to meet the needs of a victim of domestic violence and the victim's family.

(5) "Participant" means an individual designated by the Secretary to participate in the Program.

(6) "Program" means the Maryland Safe at Home Address Confidentiality Program established under Family Law Article, §§4-519—4-530, Annotated Code of Maryland.

(7) "Religious, medical, or other professional" means an individual:

(a) Licensed as a physician, nurse, social worker, professional counselor or therapist, or psychologist under the Health Occupations Article, Annotated Code of Maryland; or

(b) Who is a minister, pastoral counselor, or associate of an organization providing domestic violence services under the auspices of a bona fide religious organization.

(8) "Secretary" means the Secretary of State of Maryland, or the Secretary's designee.

(9) "Victim of domestic violence" means an individual who has received deliberate, severe, and demonstrable physical injury, or is in fear of imminent, deliberate, severe, and demonstrable physical injury, from a current or former individual with whom the person has lived.

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.03 Who May Apply.

Beginning October 1, 2006, an individual may apply to participate in the Program. To be designated as a participant in the Program, the individual shall:

- A. Satisfy the requirements of Family Law Article, §4-522, Annotated Code of Maryland;
- B. Be a past, present, or future resident of Maryland;
- C. Complete and sign the following, as provided by the Secretary:
 - (1) Application form; and
 - (2) Checklist of understanding.
- D. Sign the blank authorization card provided as part of the application materials;
- E. Have recently relocated or intend to relocate within 30 days from the date of application to an address unknown to the abuser; and
- F. Submit evidence of domestic violence satisfactory to the Secretary.

.04 Motor Vehicle Administration.

To request that the Motor Vehicle Administration use the substitute address, an applicant shall complete the form provided by the Secretary.

.05 Application Assistants.

- A. Before being approved as an application assistant, an individual shall:
 - (1) Be recommended by a federal, State, or local governmental agency or a domestic violence program, or certify that the individual is a religious, medical, or other professional actively providing services to victims of domestic violence;
 - (2) Complete the training provided by the Secretary;
 - (3) Agree to comply with the statutes and regulations governing the Program; and
 - (4) Complete and sign the application assistant agreement form.
- B. The registration of an applicant assistant is valid for 2 years unless withdrawn, suspended, or terminated.
- C. The application assistant shall agree on the application form not to discriminate on the basis of race, creed, color, national origin, gender, sexual orientation, age, or mental or physical disability.
- D. An application assistant is not an employee or agent of the Secretary or the State and may not claim or hold out to be so affiliated. The State is not liable for any failure to act or improper action of an application assistant.
- E. To withdraw as an application assistant, the individual shall provide written notification to the Program.
- F. If an application assistant ceases to be affiliated with the agency or program that initially recommended the assistant, the agency or program shall notify the Secretary and the assistant shall be removed from the roster of application assistants. If that application assistant becomes affiliated with another agency or program, the application assistant may be reinstated.

.06 Documentation.

- A. If the application of a victim of domestic violence is being supported by documentation under Family Law Article, §4-522(b)(2)(ii) or (iii), Annotated Code of Maryland, and is being facilitated by an application assistant registered with the Secretary, the signature of the application assistant on the application form is sufficient documentation.
- B. If the application is being facilitated by an individual affiliated with a person under Family Law Article, §4-522(b), Annotated Code of Maryland, not registered with the Secretary, the Secretary may contact the individual to determine whether that individual wants to apply for registration as an application assistant.
- C. If the application is being filed on the applicant's own behalf, or with assistance of an individual not on the Secretary's list of application assistants, the documentation required under Family Law Article, §4-522(b)(2), Annotated Code of Maryland, shall be provided.

.07 Authorization Card.

A. Within 5 working days of receipt of a completed and signed application, the Secretary shall approve or deny the applicant as a participant and issue the participant an authorization card.

B. If an application is approved, an authorization card shall be issued within 5 working days after the application is approved. The Secretary shall issue an authorization card to each victim of domestic violence named on the application form. The authorization card shall include:

- (1) The participant 's name;
- (2) The authorization number;
- (3) The substitute mailing address;
- (4) The participant's signature;
- (5) The expiration date; and
- (6) The toll free phone number of the Program.

C. If an authorization card is denied, the Secretary shall notify the applicant of the denial and the reasons for the denial within 5 working days of the denial.

D. Use of Authorization Card.

(1) A participant may request that a State or local agency use the substitute address provided by the Secretary as the participant's mailing address.

(2) The participant shall show the participant's authorization card to the agency employee responsible for the record and request use of the substitute address.

(3) Agency personnel:

- (a) May make a photocopy of the authorization card; and
- (b) Shall return the card to the participant.

(4) The agency shall accept the substitute address unless there is a waiver granted for a specific participant by the Secretary.

(5) Agency personnel:

- (a) May not question the participant regarding the details of the participant's inclusion in the Program; and
- (b) Shall accept the designation of the Secretary.

E. Lost or Stolen Authorization Card. The Secretary shall replace an authorization card after the participant has filed an affidavit with the Secretary certifying that the card has been lost or stolen. The affidavit shall be on a form provided by the Secretary.

.08 Renewal of Application.

A. A participant may renew Program participation by filing with the Secretary the following:

(1) A copy of the participant's current authorization card or a statement that the card was lost or destroyed; and

(2) A completed renewal form provided by the Secretary, which shall require all of the information described in Regulation .03 of this chapter.

B. The Secretary shall send notice that a participant's participation is expiring 30 days before the expiration date.

C. On renewal, the Secretary shall send a new authorization card to the participant. The participant shall destroy and discard the expired card.

.09 Change of Name, Address, or Telephone Number.

A. Notification of a change of name shall:

- (1) Be on a form provided by the Secretary;
- (2) Include a copy of the participant's authorization card; and

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(3) Be accompanied by sufficient evidence of the change.

B. Sufficient evidence of a legal name change under Family Law Article, §4-524, Annotated Code of Maryland, includes, but is not limited to, a marriage certificate.

C. A participant may change the participant's address or telephone number in accordance with Family Law Article, §4-524, Annotated Code of Maryland, by filing a form provided by the Secretary.

.10 Withdrawal from Program.

A. Withdrawal from the Program is governed by Family Law Article, §4-522(c)(2), Annotated Code of Maryland. The participant shall make the request on a form provided by the Secretary. This form shall be signed before a notary.

B. On receipt of a request for withdrawal from the Program, the Secretary may investigate whether the withdrawal is coerced by attempting to contact the participant or the domestic violence program that assisted the participant, or both.

.11 Cancellation of Participant.

The provisions of Family Law Article, §§4-523 and 4-525, Annotated Code of Maryland, govern when the Secretary shall cancel the participation of a participant. Under Family Law Article, §4-525(a)(4), Annotated Code of Maryland, if the Secretary forwards mail to a participant and it is returned three times in succession as undeliverable, then the Secretary shall cancel the participant from the Program.

.12 Appeal of Cancellation.

If the Secretary cancels participation of a participant under Family Law Article, §4-523 or 4-525, Annotated Code of Maryland, the participant may appeal the decision by completing and filing an appeal form provided by the Secretary. The form shall require that the participant explain the circumstances that caused the violation of Family Law Article, §§4-523 and 4-525, Annotated Code of Maryland. The Secretary may speak to the participant informally to determine whether the participant understands and will comply with the Program requirements. A participant may request an informal hearing before the Secretary within 30 days of the cancellation.

.13 Waiver.

A. A State or local agency may request a waiver, under Family Law Article, §4-526(c), Annotated Code of Maryland, from the requirements of the Program for specific individual participants.

B. The waiver request shall be in writing on a form provided by the Secretary and contain:

(1) Identification of the statutory, regulatory, or administrative requirements that demonstrate the agency's bona fide purpose for the use of the actual address of a participant;

(2) Identification of the specific participant for which the waiver is requested;

(3) Identification of the individuals and agencies that will have access to the record;

(4) The name and telephone number of an individual to contact regarding the request; and

(5) An explanation of how the agency's acceptance of a substitute address will prevent the agency from meeting its obligations under the statute or regulation listed in §B(1) of this regulation.

C. During review of the agency's request for a waiver, the agency shall use the participant's substitute address for any record that is the subject of the waiver request.

D. Before granting a waiver, the Secretary shall:

(1) Notify the participant of the waiver request; and

(2) Inform the participant of the agency requesting the waiver and the reasons for the request.

.14 Board of Elections.

Under Family Law Article, §4-527, Annotated Code of Maryland, a participant's residential address must be used for voter registration purposes. The local board may not disclose a participant's address except as described in Family Law Article, §4-527, Annotated Code of Maryland. A participant may request a local board of elections or the State Board of Elections to keep the address confidential under COMAR 33.04.02.02C. To apply, the participant shall submit to the State Board its form and a photocopy of the participant's authorization card.

.15 Disclosure.

- A. The Secretary may not disclose any records regarding a participant without a court order.
- B. The Secretary may verify the participation of a participant and may provide the substitute address in accordance with Family Law Article, §4-528(b)(2) and (c), Annotated Code of Maryland.
- C. The Secretary shall provide immediate notification to the participant of any disclosure of the participant's actual address.

Administrative History

Effective date:

Regulations .01—.15 adopted as an emergency provision effective October 1, 2006 (33:23 Md. R. 1793); adopted permanently effective January 29, 2007 (34:2 Md. R. 137)

