

Title 01
EXECUTIVE DEPARTMENT

Subtitle 02 SECRETARY OF STATE

Chapter 11 Maryland Safe at Home Address Confidentiality Program

Authority: Family Law Article, §§4-519—4-531; Real Property Article, §§3-112—3-120;
State Government Article, §§7-301—7-313; 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 or human trafficking to have a State or local government agency and private entities 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 or human trafficking;
- (3) Enable interagency cooperation in providing address confidentiality for victims of domestic violence or human trafficking; and
- (4) Enable a Program participant to use an address designated by the Secretary as a substitute address.

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 requires the use of a participant's substitute address designated by the Secretary and prohibits disclosure of a participant's identity information as defined in Real Property Article, §3-114 (e), Annotated Code of Maryland, by both governmental and nongovernmental entities. The Secretary shall 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 or human trafficking; 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) "Notice of ACP Participation" means the form prescribed by the Secretary in accordance with Family Law Article, §4-529(c)(1), or State Government Article, §7-311(c)(1), Annotated Code of Maryland, to identify an individual as a participant, request the use of the participant's substitute address, and prohibit disclosure of a participant's identity information.

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

(7) "Program" means both the:

(a) Maryland Safe at Home Address Confidentiality Program established under Family Law Article, §§4-519—4-531, Annotated Code of Maryland; and

(b) Human Trafficking Address Confidentiality Program established under State Government Article, §§7-301—7-313, Annotated Code of Maryland.

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(8) "Real Property ACP Notice" means the form prescribed by the Secretary in accordance with Real Property Article, §3-115, Annotated Code of Maryland, to request the shielding of real property records.

(9) "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.

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

(11) "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 intimate partner or individual with whom the person has lived.

(12) "Victim of human trafficking" means an individual who has been recruited, harbored, transported, provided, or obtained for labor, services, or a sexual act through the use of force, fraud, or coercion.

.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 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, at the time of application, not readily accessible to the general public, according to the discretion of the Secretary; 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, a participant shall schedule an appointment with the Motor Vehicle Administration's Customer Service Ombudsman or other designated contact for participants.

.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 indefinitely 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. The application of a victim of domestic violence or human trafficking shall be supported by documentation under Family Law Article, §4-522(b)(2), or State Government Article, §7-304(b)(2), Annotated Code of Maryland, and facilitated by an application assistant registered with the Secretary.

B. If the application is being facilitated by an individual not registered as an application assistant with the Secretary, the Secretary shall contact the individual to register the individual as an application assistant.

.07 Authorization Card.

A. Within 10 working days of receipt of a completed and signed application, the Secretary shall approve or deny the applicant as a participant.

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;
- (6) The phone number of the Program; and

(7) A list of the Program requirements for the purposes of a notification under Family Law Article, §4-529(c)(1), and State Government Article, §7-311(c)(1), Annotated Code of Maryland.

C. If an applicant 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 or any person use the substitute address designated by the Secretary as the participant's address.

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

(3) Agency personnel or any person:

- (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 or any person:

(a) May not question the participant regarding the details of the participant's inclusion in the Program;

(b) May not require a participant to submit any address that could be used to physically locate the participant either instead of or in addition to the substitute address, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the participant's physical location;

(c) May not require any additional proof of Program participation other than the Notice of ACP Participation in accordance with Family Law Article, §4-526 (b)(2), or State Government Article, §7-308(b)(2), Annotated Code of Maryland;

(d) May not charge any fee to comply with this chapter; and

(e) Shall accept the substitute address as the address of the participant.

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(6) A current and valid authorization card presented to agency personnel or any person shall be acceptable as a form to put an agency or a person on notice of Program participation in accordance with Family Law Article, §4-529, or State Government Article, §7-311, Annotated Code of Maryland.

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.

D. The Secretary may not renew an applicant if, at the time of renewal, the Secretary determines that the applicant's actual address is readily accessible to the general public.

.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

(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 in accordance with Family Law Article, §4-524, or State Government Article, §7-306, Annotated Code of Maryland, by filing a form provided by the Secretary.

D. A participant may change the participant's telephone number in accordance with Family Law Article, §4-524, or State Government Article, §7-306, Annotated Code of Maryland, by notifying the Secretary by telephone or 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.

C. A participant shall advise the Secretary and the participant's application assistant as soon as possible on suspicion or knowledge that the actual address is known to the abuser or readily accessible to the general public.

D. On receipt of information from the participant or any other person that the actual address is known to the abuser or readily accessible to the general public, the Secretary may investigate by contacting the participant or the application assistant that assisted the participant, or both.

E. A participant is encouraged to submit a request for withdrawal from the Program if:

(1) The participant is no longer eligible for Program participation; or

(2) The Secretary determines that a participant's actual address is readily accessible to the general public and the participant does not intend to relocate within 30 days to an address unknown to the abuser and not readily accessible to the general public.

.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, and State Government Article, §7-309, 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, or State Government Article, §7-309, 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 register to vote as a participant, the participant shall contact the State Board directly to identify as a participant. The State Board shall verify Program participation and voting precinct with the Secretary.

.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.

.16 Service of Process.

A. Under Family Law Article, §4-530(b), and State Government Article, §7-312(b), Annotated Code of Maryland, service of process on a participant, by a person or an agency that has received notice that the individual is a participant, shall be made:

(1) In person on the participant; or

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(2) By mail on the Secretary.

B. On receipt of service of process by mail, the Secretary shall:

(1) Notify the participant; and

(2) Forward process by mail to the participant.

.17 State Income Tax.

If a participant uses the substitute address when filing a State income tax return, the participant shall disclose the actual Maryland county and actual city, town, or taxing area.

.18 Obligation on Receipt of Notice of Program Participation.

A. An agency or person who receives notification of Program participation in accordance with Family Law Article, §4-529(c)(1), or State Government Article, §7-311(c)(1), Annotated Code of Maryland, shall adhere to the requirements under Regulation .07 of this chapter.

B. Written notification acceptable as a form to put an agency or a person on notice under Family Law Article, §4-529(c)(1), or State Government Article, §7-311(c)(1), Annotated Code of Maryland, includes any one of the following as long as they state the requirements of the Program and that the individual is a participant:

(1) Notice of ACP Participation;

(2) Current and valid authorization card;

(3) A copy of the welcome letter issued to the participant on designation as a participant; or

(4) Written communication from the Secretary identifying an individual as a participant.

C. The Notice of ACP Participation shall be on the form that the Secretary prescribes and shall include the:

(1) Full legal name of the participant;

(2) Participant's ACP number;

(3) Substitute address designated by the Secretary as the participant's address;

(4) Program requirements in accordance with Family Law Article, §4-529(c)(1), and State Government Article, §7-311(c)(1), Annotated Code of Maryland;

(5) Telephone number of the Program; and

(6) Signature of the participant.

D. The Notice of ACP Participation satisfies the request that a bank, a credit union, any other depository institution, or any other financial institution within the meaning of Financial Institutions Article, §1-101, Annotated Code of Maryland, may require under Family Law Article, §4-526(b)(2), or State Government Article, §7-308(b)(2), Annotated Code of Maryland.

E. An agency or person who receives notification of Program participation in accordance with Family Law Article, §4-529(c)(1), or State Government Article, §7-311(c)(1), Annotated Code of Maryland, may not knowingly disclose the participant's name, home address, work address, or school address unless the:

(1) Person to whom the address is disclosed also lives, works, or goes to school at the disclosed address; or

(2) Participant has provided written consent to the disclosure of the participant's name, home address, work address, or school address for the purpose for which the disclosure will be made.

F. An agency or person on notice and authorized to disclose the name, home address, work address, or school address of a participant by the participant's consent under Family Law Article, §4-529(c)(1)(ii), or State Government Article, §7-311(c)(1)(ii), Annotated Code of Maryland, shall limit disclosure to only those disclosures that are necessary for the purpose for which the consent is provided.

G. On disclosure under Family Law Article, §4-529(c), or State Government Article, §7-311(c), Annotated Code of Maryland, an agency or person on notice shall forward the notification of Program participation to the agency or person to whom the disclosure is made in order to put that agency or person on notice.

H. An agency or person on notice is presumed to have specific knowledge that the address and other identity information belongs to a participant.

I. An agency or person on notice shall use the participant's substitute address for mailed correspondence.

J. Consent of the participant as set forth in Family Law Article, §4-529(c), and State Government Article, §7-311(c), Annotated Code of Maryland, is required before an agency or person on notice may use the participant's actual address on internal records or electronic databases that may be sold, transferred, or shared with third parties.

.19 Procedure to Request Shielding of Real Property Records.

A. To request the shielding of real property records, a participant shall notify the Secretary of initial consideration to purchase property before applying for financing or initiating the transaction, or, if the property was acquired without financing, immediately after acquiring an ownership interest in the real property.

B. On request for shielding, the Secretary shall provide the following forms to the participant:

(1) Notice of ACP Participation in accordance with Family Law Article, §4-529(c)(1), and State Government Article, §7-311(c)(1), Annotated Code of Maryland; and

(2) Real Property ACP Notice required under Real Property Article, §3-115(b)(2), Annotated Code of Maryland.

C. A participant or any agent of the participant shall submit a copy of the Notice of ACP Participation to any person involved in the real property transaction, including, but not limited to, the following:

(1) Attorney;

(2) Realtor;

(3) Mortgage broker;

(4) Lender;

(5) Title company; and

(6) Home owner's association.

D. On receipt of a Notice of ACP Participation or Real Property ACP Notice, any person involved in the real property transaction shall adhere to the requirements under Regulations .07 and .18 of this chapter.

E. A participant or any agent of the participant shall submit a copy of the Real Property ACP Notice with the deed or other instrument to be recorded and the intake sheet required under Real Property Article, §3-104, Annotated Code of Maryland, to both the:

(1) Appropriate county finance office; and

(2) Clerk of the circuit court.

F. A participant shall submit to the Secretary a copy of any Real Property ACP Notice submitted under Real Property Article, §3-115(b), Annotated Code of Maryland.

G. If a participant intends to request the shielding of real property records, the participant may not submit any instrument for recordation electronically.

H. A participant shall use a separate Real Property ACP Notice for each property in which the participant acquires an ownership interest.

.20 Obligation on Receipt of Real Property ACP Notice.

A. On receipt of a Real Property ACP Notice:

(1) State and local agencies shall follow the established procedure in accordance with Real Property Article, §§3-115 and 3-117, Annotated Code of Maryland; and

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(2) A clerk of the circuit court shall provide a copy of any Real Property ACP Notice received under Real Property Article, §3-115, Annotated Code of Maryland, to both the:

- (a) State Department of Assessments and Taxation; and
- (b) Maryland State Archives.

B. All State and local agencies shall use the participant's substitute address for all mailed correspondence.

C. Restriction on Disclosures.

(1) Except as provided in Real Property Article, §3-116(b) and (c), Annotated Code of Maryland, a clerk of the circuit court and any State or local agency that receives a Real Property ACP Notice under Real Property Article, §3-115, Annotated Code of Maryland, may not disclose the participant's identity information in conjunction with the property identified in the Notice.

(2) A participant's identity information may be disclosed in conjunction with a property identified in a Real Property ACP Notice if:

- (a) The participant consents to the disclosure for a specific purpose identified in a writing acknowledged by the participant;
- (b) The information is subject to disclosure in accordance with a court order; or
- (c) The Secretary authorizes the disclosure in accordance with Real Property Article, §3-118, Annotated Code of Maryland.

(3) Prohibition on disclosure shall continue until:

- (a) The participant consents to the termination of the Real Property ACP Notice in a writing acknowledged by the participant;
- (b) The Real Property ACP Notice is terminated in accordance with a court order;
- (c) The participant no longer holds a record interest in the property identified in the Real Property ACP Notice; or
- (d) The Secretary gives written notice to the clerk of the circuit court that the individual named in the Real Property ACP Notice is no longer a participant.

.21 Termination of Shielding on Program Cancellation.

If an individual who has requested the shielding of property records in accordance with Real Property Article, §3-115, Annotated Code of Maryland, ceases to be a participant;

A. The Secretary shall give written notice to the clerk of the appropriate circuit court and the Maryland State Archives within 30 days after the individual ceases to participate in the Program; and

B. The clerk of the circuit court and the Maryland State Archives shall cease shielding all real property records relating to the property identified in the Real Property ACP Notice.

.22 Authorized Disclosure for Title Examination.

A. On request, the Secretary may authorize the disclosure of real property records that have been shielded under Real Property Article, §3-116, Annotated Code of Maryland, for the purpose of performing a bona fide title examination.

B. A request under Real Property Article, §3-118, Annotated Code of Maryland, shall include:

- (1) The name, title, address, and affiliated organization, if applicable, of the individual requesting the disclosure;
- (2) The individual's purpose for requesting the disclosure;
- (3) The individual's relationship, if any, to the participant;
- (4) A legal description of the property subject to the title examination;
- (5) A statement that any information disclosed to the individual shall be treated as confidential and shall be used and disclosed only for the purpose identified in the request;
- (6) The individual's signature; and
- (7) Any other information required by the Secretary to respond to the request.

C. On receipt of a request under Real Property Article, §3-118, Annotated Code of Maryland, the Secretary shall provide a written response approving or denying the request within 2 business days.

D. The Secretary shall approve a properly completed request under Real Property Article, §3-118, Annotated Code of Maryland, if:

- (1) The Secretary confirms that the property subject to the title examination is the property identified in the Real Property ACP Notice of a current participant; and
- (2) The Secretary determines that the request is for the purpose of performing a bona fide title examination.

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)
- Regulation .01A, C amended effective January 14, 2019 (46:1 Md. R. 11)
- Regulation .02B amended effective January 14, 2019 (46:1 Md. R. 11)
- Regulation .03B, E amended effective January 14, 2019 (46:1 Md. R. 11)
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