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*"Domestic Violence Experts for over 20 Years"*

Judiciary Committee  
Nevada State Assembly  
Legislative Building  
Carson City, Nevada 89710

Members of the Judiciary,

My name is Estelle Murphy, and I am the Executive Director of Safe Nest, the largest domestic violence program in Nevada providing services in Clark County for over 25 years. I'm here to speak in favor of AB 160 and to specifically address the provisions regarding privileged communications between domestic violence victims and their advocates. I submitted written testimony on March 10<sup>th</sup> regarding the importance of this provision, and also suggested the need to add language protecting victim records.

I'd like to speak to that briefly. Last year, we received an average of one subpoena or court order per month. Most were for the release of client files. In most cases we were able to negotiate with the party seeking the release to give only limited information or to withdraw the request entirely. In other cases we had to fight the release through legal means, sometimes going to court to get a judicial decision on an "order to compel" us to release records.

I'm sure you recognize the chilling effect on victim services if victims think their records will become public record. We could speak at length about this, but there is another issue at stake as well. The ability of domestic violence programs to fund their services is in jeopardy if these records are not protected. There are at least five federal funding sources that domestic violence programs use to fund services that make confidentiality of records a condition of funding. They are the Family Violence Services and Prevention Act (USC 10401-10402); the Crime Victims Fund (42 USC 10601-10604); the Housing Assistance, Emergency Shelter Grant fund (42 USC 11375- (c)(5); the Violence Against Women Act (42 USC 13942 -1994); and the Public Health Service, Alcohol & Drug act (42 USC 290ee-3). Most of these sources not only require us to protect records; they also require us not to disclose the identities of those receiving service. Some subpoenas have asked us to release supposedly "non-confidential" records like the dates a person was in shelter. Of course, providing the dates of a victim's stay obviously divulges that she was a client. Although these federal statutes provide *requirements* for programs to follow to protect victim confidentiality, most don't specifically state that these records *are* privileged communications. Although the inference is there, it would be extremely helpful if state statutes backed up these federal mandates and specified the privileged nature of these records.

Therefore, I urge you to support AB 160 and its amendments to protect the confidentiality of victim records, as well as the confidentiality of victim communications. Thank you.

ASSEMBLY JUDICIARY SUBCOMMITTEE

DATE: 3/20/03 EXHIBIT F

SUBMITTED BY: Estelle Murphy