

7.0 Treatment Victim Advocacy

Victim advocacy in offender treatment is critical in order to continually address victim safety issues. Victim safety and offender risk are fluid and dynamic. Shared information among professionals involved in the case and shared decision making are vital in this work. These are necessary, critical, and interdependent parts of treatment.¹ In the interest of victim and community safety, the purpose of treatment is to foster conditions that allow the offender to:

- (a) Manage effectively the individual factors that contribute to abusive behaviors;
- (b) Develop strengths and competencies to address criminogenic needs;
- (c) Identify and change thoughts, feelings and actions that may contribute to offending, and;
- (d) Establish and maintain stable, meaningful, and pro-social lives.

Victim and community safety are the highest priorities of the *Standards and Guidelines*. This should guide the responses of the criminal justice system, victim advocacy, human services, and domestic violence offender treatment. Whenever the needs of domestic violence offenders in treatment conflict with the needs of community (including victim) safety, community safety takes precedence.²

TREATMENT VICTIM ADVOCATES (TVA) SERVE IN A CAPACITY TO PROVIDE COMMUNITY-BASED VICTIM ADVOCACY SERVICES THAT ARE ENUMERATED IN 13-90-107, C.R.S. AND POSSESS THE MANDATED PRIVILEGES AND CONFIDENTIALITY PROTECTIONS DEFINED IN STATUTE FOR THE PURPOSE OF THESE STANDARDS AND GUIDELINES. FOR MORE INFORMATION REGARDING THE STATUTE, SEE 13-90-107 C.R.S.

THE FOLLOWING SECTION OUTLINES THE REQUIREMENTS NECESSARY TO BECOME A TREATMENT VICTIM ADVOCATE (TVA), THE ROLE OF THE TVA, AND WHAT INITIAL AND ONGOING VICTIM ADVOCACY SERVICES REQUIRE. It is the expectation of the DVOMB that individuals also governed under the Mental Health Practice act (Title 12, Article 43 of the Colorado Revised Statutes) will also comply with the statutes, rules, and policies of their Governing Board.

¹ DVOMB Standards and Guidelines, Section 3.0: Guiding Principles.

² DVOMB Standards and Guidelines Section 3.01: Guiding Principles.

Resources and forms for victim advocacy are available on the DVOMB website.³

7.01 Treatment Victim Advocate Responsibilities

I. Treatment Victim Advocate

All Approved Providers shall have a qualified, designated professional in the role of Treatment Victim Advocate.

II. Dual Roles

Approved Providers shall not have a dual role with her/his advocate as defined in DVOMB Standards Section 7.03 VIII. Dual Roles.

III. Treatment Victim Advocate Qualifications

See DVOMB Standards Section 7.03 Qualifications of Treatment Victim Advocate.

IV. Notification to the DVOMB Office

- A. Approved Providers shall update the name of **their Treatment Victim Advocate (TVA) in the Provider Data Management System**, including the TVA's current contact information, and verification of the TVA's qualifications.
- B. Additionally, a confirmation letter from the TVA verifying that advocacy is being provided per the DVOMB Standards and Guideline shall be provided to DVOMB staff.

V. Cooperative Relationships

Approved Providers, in conjunction with their TVA, shall be knowledgeable about victim resources. Providers shall also maintain cooperative working relationships with both community-based and system-based allied professionals for the purpose of enhancing comprehensive safety and support for domestic violence victims.

VI. Provider Responsibilities when Utilizing a New Treatment Victim Advocate

When a TVA ends service with a Provider or treatment agency, the Provider is responsible for ensuring continuity of care for victim advocacy services between the outgoing TVA and the new TVA. The Provider shall provide

³ <https://dcj.colorado.gov/boards-commissions/domestic-violence-offender-management-board>

necessary information regarding the offender and victim contact information for the new TVA to maintain ongoing contact with the victim as requested.

7.02 Role of Treatment Victim Advocates

VICTIM ADVOCATES ARE HIGHLY TRAINED, EXPERIENCED, KNOWLEDGEABLE, AND SKILLED PROFESSIONALS. The victims of these complex and dangerous crimes require a specialized victim advocacy approach **WITH TRAINING IN INTIMATE PARTNER VIOLENCE.** The TVA provides an opportunity for victims to participate in the multidisciplinary treatment team (MTT) process. If the victim is provided the opportunity and elects to participate, the TVA will represent the victim within the MTT. **THE TVA ALSO REPRESENTS EXPERIENCES AND PERSPECTIVES OF VICTIMS IN GENERAL WITHIN THE MTT, REGARDLESS OF WHETHER THE SPECIFIC VICTIM ENGAGES IN SERVICES OR NOT.**

I. TVAs are an integral member of the MTT, and work with the MTT and the Approved Provider to:

A. Function as a liaison, and will represent the victim and/or general victim considerations within the MTT.

B. PARTICIPATE IN MTT PROBLEM SOLVING DURING CASE MANAGEMENT AND STAFFINGS.

Discussion Point: The role of the TVA on the MTT includes identifying erroneous beliefs or attitudes that, if present, may be harmful to victims. **THE TVA PROMOTES MORE COMPREHENSIVE CASE CONCEPTUALIZATION FOR THE MTT TO UNDERSTAND THE MEANING AND IMPACT OF VICTIM AND OFFENDER BEHAVIORS, EVEN WHEN THE MEMBERS OF THE MTT HAVE CONFLICTING (DIFFERENT) INFORMATION.**

C. COLLABORATE WITH THE MTT TO ENGAGE IN AN IN-DEPTH CONVERSATION AROUND DOMESTIC VIOLENCE DYNAMICS.

1. Provide trauma-informed education and perspectives related to victim experiences.

2. PROVIDE KNOWLEDGE CONCERNING VICTIM SAFETY. FOR EXAMPLE:

- **CRIMINAL/CIVIL PROTECTION ORDERS**
- **SAFETY PLANNING**
- **POTENTIAL FOR FUTURE HARM**

- D. PROVIDE OUTREACH TO THE OFFENDER'S CURRENT OR PAST NON-VICTIM PARTNER, AS APPROPRIATE AND DETERMINED BY THE TVA, THE APPROVED PROVIDER, AND THE MTT BASED ON SPECIFIC IDENTIFIED CONCERNS (SEE STANDARD 6.03 FOR INFORMATION ABOUT REQUIREMENTS FOR WAIVERS OF CONFIDENTIALITY).

DISCUSSION POINT: WHILE IT MAY BE APPROPRIATE FOR A TVA TO REACH OUT TO A CURRENT OR PAST NON-VICTIM PARTNER, THIS IS NOT REQUIRED AND SHOULD ONLY BE DONE BASED UPON MTT CONSENSUS.

7.03 General Requirements for Treatment Victim Advocates

I. TVAs shall:

- A. Be familiar and comply with these DVOMB Standards and Guidelines.
- B. Be Violence Free and **NOT ENGAGED IN ANY ACTS OF DOMESTIC VIOLENCE, INCLUDING PHYSICAL OR VERBAL ABUSE, THREATS, COERCION, OR INTIMIDATION OF OTHERS.**
- C. Not have a conviction of, or a deferred judgement (other than a traffic violation of 7 points or less) for a municipal ordinance violation, misdemeanor, felony, or have accepted by a court a plea of guilty or nolo contendere to a municipal ordinance violation, misdemeanor, or felony if the municipal ordinance violation, misdemeanor, or felony is related to the ability to be an effective advocate under these Standards and Guidelines, **AS DEMONSTRATED AT A MINIMUM BY A COLORADO BUREAU OF INVESTIGATION CRIMINAL BACKGROUND CHECK.**
- D. **NOT HAVE ANY CIVIL DISPUTE THAT IS RELATED TO THE ABILITY TO PRACTICE** as an effective advocate under these Standards and Guidelines.
- E. **BE AWARE THAT ANY HISTORY OF VICTIMIZATION AND TRAUMA MAY IMPACT THEIR WORK WITH VICTIMS, AND LIMIT THEIR ABILITY TO BE AN EFFECTIVE ADVOCATE.**
- F. **MAINTAIN VICTIM CONFIDENTIALITY AND NOT DISCLOSE CONFIDENTIAL COMMUNICATIONS IN ACCORDANCE WITH THESE STANDARDS AND 13-90-107, C.R.S.**
- G. Not have a dual role with their Approved Provider, the offender or the

victim.

Discussion Point: It is the expectation of the DVOMB that individuals also governed under the Mental Health Practice act (Title 12, Article 43 of the Colorado Revised Statutes) will also comply with the statutes, rules, and policies of their Governing Board.

A DUAL ROLE CAN INCLUDE, BUT IS NOT LIMITED TO:

1. A relationship with the Provider **THAT IS LIKELY TO IMPAIR THE TVA'S PROFESSIONAL JUDGEMENT** (e.g., spouse, relative, etc.).
2. A relationship in another therapeutic or case management capacity with the **SAME** domestic violence offenders or victims **FOR WHOM THEY ARE PROVIDING TVA SERVICES.** ~~within the same treatment agency.~~
3. A relationship with more than one person in an intimate partner relationship within the same treatment agency or across multiple treatment agencies.

DISCUSSION POINT: IF TVAS RECEIVE A REFERRAL FOR BOTH PARTNERS OF AN INTIMATE RELATIONSHIP, THEY SHOULD DISCUSS THE POTENTIAL FOR A DUAL ROLE WITH THE PROVIDERS AND IDENTIFY ALTERNATIVES FOR ONE OF THE PARTNERS.

4. **ANY OTHER RELATIONSHIP WITH THE VICTIM OR THE OFFENDER. THIS WILL IMPAIR THE TVA'S JUDGEMENT OR INCREASE THE RISK OF CLIENT EXPLOITATION.**

DISCUSSION POINT: DUAL RELATIONSHIPS CAN CREATE BARRIERS TO AN OPEN AND HONEST DIALOGUE. THE ADVOCATE MAY BE CONCERNED ABOUT RAISING ISSUES THAT MAY POTENTIALLY IMPACT THE PERSONAL OR OTHER RELATIONSHIP WITH THE PROVIDER. DUAL ROLES MAY BE CONFUSING TO A VICTIM AND IMPACT THEIR ABILITY TO TRUST THE ADVOCATE. IF TVAS HAVE A CONCERN FOR A POTENTIAL DUAL ROLE, THEY SHOULD CONTACT THE DVOMB OR THEIR LICENSING AUTHORITY.

7.04 Qualifications for Treatment Victim Advocates Status

THERE ARE TWO PRACTICE LEVELS FOR TVAS: PROVISIONAL AND CERTIFIED.

- I. **PROVISIONAL** Treatment Victim Advocate Requirements

PROVISIONAL LEVEL IS FOR INDIVIDUALS WHO WANT TO START THE PROCESS OF BECOMING A CERTIFIED TVA. PROVISIONAL TVAS MAY BEGIN ACCUMULATING THE REQUIRED EXPERIENTIAL AND TRAINING HOURS FOR CERTIFICATION THROUGH COLORADO ORGANIZATION FOR VICTIM ASSISTANCE (COVA) OR NATIONAL ORGANIZATION FOR VICTIM ASSISTANCE (NOVA). THE COVA DOMESTIC VIOLENCE TREATMENT VICTIM ADVOCATE CERTIFICATION OR NOVA BASIC ADVOCATE CREDENTIAL WITH DOMESTIC VIOLENCE SPECIALTY SHALL BE APPLIED FOR WITHIN TWO YEARS OF WORKING AS A PROVISIONAL DOMESTIC VIOLENCE TREATMENT VICTIM ADVOCATE.

A. Experiential Criteria:

PROVISIONAL TVAs shall:

1. Possess a minimum of 70 hours of experience working with domestic violence victims. These hours may be achieved through any combination of employment, volunteer work, or internships.
2. Obtain the additional 70 experiential hours within two years as required for certification as a TVA.

B. Training Criteria:

PROVISIONAL TVAs shall:

1. Possess a minimum of 30 initial hours of training in domestic violence to include: victim advocacy, domestic violence dynamics, victimization, safety planning, confidentiality, and mandatory reporting.
2. Obtain the additional 30 hours of training within the two years required for certification as a TVA.

DISCUSSION POINT: TRAINING IS A HELPFUL COMPONENT FOR THE WORK OF A PROVISIONAL TVA, AND OBTAINING AS MUCH TRAINING AS POSSIBLE WITHIN THE FIRST YEAR OF WORK IS BENEFICIAL.

C. Peer Consultation is strongly encouraged with other Certified Domestic Violence TVAs, or with local victim services. Peer Consultation may include:

1. Sharing information about training opportunities
2. Sharing information regarding resources
3. Confidentiality issues

4. Advocacy on behalf of a specific population
5. Technical assistance, safety planning, and brainstorming difficult cases

II. Certified Treatment Victim Advocate

CERTIFICATION THROUGH EITHER THE COLORADO ORGANIZATION FOR VICTIM ASSISTANCE (COVA) OR THE NATIONAL ORGANIZATION FOR VICTIM ASSISTANCE (NOVA) NATIONAL ADVOCATE CREDENTIALING PROGRAM IS REQUIRED. THESE PROGRAMS ARE ADMINISTERED THROUGH COVA AND NOVA.

- COVA CERTIFICATION AS A TREATMENT VICTIM ADVOCATE
- NOVA CERTIFICATION AS A BASIC VICTIM ADVOCATE WITH DOMESTIC VIOLENCE SPECIALTY

DISCUSSION POINT: THE NOVA CERTIFICATION IS NOT SPECIFICALLY DESIGNED FOR TREATMENT VICTIM ADVOCATES. HOWEVER, THOSE WHO HAVE A NOVA CERTIFICATION AS A BASIC VICTIM ADVOCATE WITH DOMESTIC VIOLENCE SPECIALTY SHOULD MEET THE REQUIREMENTS OF THE COVA CERTIFICATION. THE TRAININGS IDENTIFIED BELOW MAY NOT CORRESPOND WITH THE NOVA TRAINING REQUIREMENT CATEGORIES OF THE APPLICATION.

A. EXPERIENTIAL CRITERIA

COVA ~~OR NOVA~~ CERTIFICATION REQUIRES VERIFICATION (E.G., LETTER FROM APPROVED PROVIDER TO VERIFY HOURS, DOCUMENTATION OF WORK AS AN ADVOCATE, OR HOURS LOG OF TVA WORK) OF A MINIMUM OF 2 YEARS (FULL OR PART-TIME) OF ACTIVE STATUS OR VOLUNTEER WORK EXPERIENCE IN THE FIELD, OR A MINIMUM OF 140 SERVICE HOURS. SERVICE HOURS MUST INCLUDE DIRECT SERVICE TO VICTIMS (PHONE OR IN PERSON), BUT MAY ALSO INCLUDE CASE REVIEW MEETINGS (INCLUDING MTT MEETINGS), SHADOWING, CASE MANAGEMENT, AND STAFF SUPERVISION.

B. TRAINING CRITERIA

CERTIFIED DOMESTIC VIOLENCE TVAS ARE REQUIRED TO HAVE A MINIMUM OF 60 TOTAL HOURS OF INITIAL TRAINING, WHICH INCLUDES THE ELECTIVES, AND THEN 32 ADDITIONAL HOURS OF CONTINUING EDUCATION EVERY 2 YEARS.

TRAINING HOURS PER THE COVA ~~OR NOVA~~ PROGRAM FOR CERTIFIED DOMESTIC VIOLENCE TREATMENT VICTIM ADVOCATE WITH FOCUS ON THE FOLLOWING:

1. VICTIMOLOGY TOPICS (15 HOURS)
2. ADVOCATE SKILLS (15 HOURS)
3. SYSTEM AGENCY RESPONSE (15 HOURS), AND
4. ELECTIVES SPECIFIC TO DOMESTIC VIOLENCE TREATMENT ADVOCACY (15 HOURS), INCLUDING BUT NOT LIMITED TO:

- DVOMB CORE TRAININGS AND DOMESTIC VIOLENCE OFFENDER ISSUES SUCH AS:
 - THE DOMESTIC VIOLENCE RISK AND NEEDS ASSESSMENT (DVRNA)
 - DVOMB STANDARDS AND GUIDELINES
 - MULTI-DISCIPLINARY TREATMENT TEAM
 - DOMESTIC VIOLENCE OFFENDER TREATMENT COMPETENCIES.
 - DOMESTIC VIOLENCE CHARACTERISTICS AND DYNAMICS
 - D
 - RISK/LETHALITY ASSESSMENT
 - CONFIDENTIALITY
 - SAFETY PLANNING
 - CO-OCCURANCE OF DOMESTIC VIOLENCE AND CHILD ABUSE
 - TOPICS COULD INCLUDE, BUT ARE NOT LIMITED TO, INTIMATE PARTNER VIOLENCE AND THE IMPACT ON THE CHILD
 - ELDER ABUSE
 - SPECIAL VICTIM AND OFFENDER POPULATIONS
 - CLIENT/TVA BOUNDARIES

DISCUSSION POINT: THE DVOMB RECOGNIZES THAT THERE ARE MANY DIVERSE TRAININGS AVAILABLE FOR TVAS THAT WILL SUPPORT THEM IN THEIR CERTIFICATION TRAINING REQUIREMENTS, AND ENCOURAGES TVAS TO SEEK OUT ADDITIONAL QUALITY TRAINING OPTIONS AS WELL AS SHARE THEM WITH OTHER TVAS. THE TRAININGS IDENTIFIED ABOVE SHOULD CORRESPOND WITH THE COVA TRAINING REQUIREMENT CATEGORIES OF THE APPLICATION.

C. Peer consultation is strongly encouraged with other Certified Domestic Violence TVAs, or consultation with local victim services. Peer consultation may include:

1. Sharing information about training opportunities
2. Sharing information regarding resources
3. Confidentiality issues
4. Advocacy on behalf of a specific population
5. Technical assistance, safety planning, and brainstorming difficult cases

D. Specific Offender Populations

Specific offender populations are defined as a group of individuals that share one or more common characteristics such as race, religion, ethnicity, language, gender, age, culture, sexual orientation, and/or gender identity that would allow for the group to be considered homogenous.⁴

If Approved Providers are specializing in a specific population of offenders, the Domestic Violence TVA shall have a minimum of seven (7) hours of training on each specific offender and victim population.

E. Continuing Education and Renewal of Advocacy Certification

1. Renewal of COVA or NOVA certification is required every 2 years.
2. TVAs shall submit proof of recertification to the Approved Provider.

7.05 Initial and Ongoing Advocacy

TVAS SHALL PROVIDE INITIAL AND ONGOING ADVOCACY WITH THE VICTIM CONTINGENT ON THE VICTIM'S WILLINGNESS TO PARTICIPATE. WHETHER THE VICTIM OPTS TO PARTICIPATE IN TVA SERVICES, OR NOT, SHOULD NOT IMPACT THE OFFENDER'S STATUS IN TREATMENT. THE OFFENDER SHALL BE REQUIRED TO PROVIDE A RELEASE OF INFORMATION FOR THE VICTIM INCLUDING ANY AVAILABLE CONTACT INFORMATION. THE RELEASE OF INFORMATION SHALL ALSO INCLUDE THE CURRENT PARTNER FOR MORE INFORMATION ABOUT WHEN TO CONTACT THE CURRENT PARTNER, SEE SECTION 7.02 I. D. ABOVE.

I. TVA's Initial Contact with the Victim

A. THE TVA SHALL MAKE INITIAL CONTACT TO EACH VICTIM ONCE THE

⁴ DVOMB Standards Appendix C. Glossary of Terms and Section 9.07.

OFFENDER BEGINS TREATMENT AND SIGNS THE RELEASE OF INFORMATION. THE APPROVED PROVIDER SHALL SHARE VICTIM CONTACT INFORMATION, IF AVAILABLE.

- B. THE TVA MAY ALSO REACH OUT TO THE VICTIM AT ADDITIONAL TIMES DURING THE OFFENDER'S TREATMENT, BASED ON THE VICTIM'S WILLINGNESS TO PARTICIPATE WITH THE TVA. IF THERE IS A VICTIM SAFETY ISSUE, THE TVA SHALL CONTACT THE VICTIM TO PROVIDE THIS INFORMATION TO THE VICTIM.
- C. THE TVA MAY NEED TO FIND RECENT CONTACT INFORMATION FOR VICTIMS THROUGH THE PROBATION VSO, THE SUPERVISION OFFICER, A LAW ENFORCEMENT AGENCY, OR THE DISTRICT ATTORNEY'S OFFICE. THE TVA SHOULD NOT ATTEMPT TO LOCATE OR CONTACT VICTIMS USING SOCIAL MEDIA AND THE INTERNET UNLESS CONFIDENTIALITY AND SAFETY ARE ADDRESSED.

DISCUSSION: TVAS ARE RESPONSIBLE FOR RECEIVING TRAINING ON THE SAFE USE OF TECHNOLOGY IF THEY ARE GOING TO CONTACT THE VICTIM THROUGH SOCIAL MEDIA OR THE INTERNET.

- D. THE TVA SHALL INFORM THE VICTIM OF THE EXTENT OF THE INFORMATION THAT WILL BE PROVIDED REGARDING THE OFFENDER'S TREATMENT DURING TVA VICTIM CONTACTS. INFORMATION TO BE SHARED MAY INCLUDE, BUT NOT BE LIMITED TO, ENROLLMENT, ATTENDANCE, DISCHARGE, AND VICTIM SAFETY CONCERNS.
- E. During the initial contact, the TVA shall also explain the limits of confidentiality regarding the information that is shared during the TVA victim contact, including any mandatory reporting obligations of suspected abuse or neglect of children.⁵
 - 1. All TVAs have a responsibility to report suspected abuse or neglect of children and shall report **AS REQUIRED BY COMMUNITY-BASED VICTIM ADVOCACY REQUIREMENTS.**⁶

⁵ See Section 7.05 regarding Confidentiality for more information.

⁶ The privilege established by C.R.S. 13-90-107: Who may not testify without consent states:
(k) (I) A victim's advocate shall not be examined as to any communication made to such victim's advocate by a victim of domestic violence, as defined in section 18-6-800.3 (1), C.R.S., or a victim of sexual assault, as described in sections 18-3-401 to 18-3-405.5, 18-6-301, and 18-6-302, C.R.S., in person or through the media of written records or reports without the consent of the victim.
(II) For purposes of this paragraph (k), a "victim's advocate" means a person at a battered women's

2. Advocates shall inform victims of this upon initial contact and as appropriate during victim contacts.
 3. Advocates **MAY** inform the Approved Provider when a report has been made **WITH THE VICTIM'S PERMISSION**.
- F. The TVA contact(s) shall address the following:
1. A brief explanation of the role of the TVA
 2. **EXPLANATION OF CONFIDENTIALITY REQUIREMENTS FOR COMMUNITY-BASED VICTIM ADVOCATES AND HOW TVAS FOLLOW THESE REQUIREMENTS.**
 3. Whether or not the victim wishes to be contacted including preferred and most secure method of contact.
 4. General overview of the domestic violence offender treatment process.
 5. General domestic violence dynamics and information, as appropriate.
 6. Address safety concerns with the victim and safety planning as needed.
 7. Provide referrals and resources, including information about protection orders, as appropriate.

DISCUSSION POINT: THE TVA MAY SHARE OTHER INFORMATION, SUCH AS SPECIFIC OFFENDER TREATMENT INFORMATION, BASED ON THE CIRCUMSTANCES OF THE CASE. HOWEVER, TVAS SHOULD CONSULT WITH THE MTT AND USE CAUTION WHEN CONSIDERING WHETHER TO SHARE ADDITIONAL INFORMATION, IN ORDER TO NOT COMPROMISE VICTIM SAFETY.

shelter or rape crisis organization or a comparable community-based advocacy program for victims of domestic violence or sexual assault and does not include an advocate employed by any law enforcement agency: (A) Whose primary function is to render advice, counsel, or assist victims of domestic or family violence or sexual assault; and (B) Who has undergone not less than fifteen hours of training as a victim's advocate or, with respect to an advocate who assists victims of sexual assault, not less than thirty hours of training as a sexual assault victim's advocate; and (C) Who supervises employees of the program, administers the program, or works under the direction of a supervisor of the program.

G. TVA Records and Retention

The TVA shall document any victim contact, or attempted contact, in a file separate from the offender's treatment file. No one, including the Approved Provider, shall have access to the TVA's records. Records retention should follow the requirements of community-based advocates. The TVA notes may be brief and general in nature regarding the victim contact.

7.06 Privilege of Confidential Victim Advocates

FOR THE PURPOSE OF THESE STANDARDS AND GUIDELINES, TREATMENT VICTIM ADVOCATES (TVA) SERVE IN A CAPACITY TO PROVIDE COMMUNITY-BASED VICTIM ADVOCACY SERVICES THAT ARE ENUMERATED IN 13-90-107, C.R.S. AND POSSESS THE MANDATED PRIVILEGES AND CONFIDENTIALITY PROTECTIONS DEFINED IN STATUTE. FOR MORE INFORMATION REGARDING THE STATUTE, SEE 13-90-107 C.R.S.

THE COMMUNITY-BASED VICTIM ADVOCACY STATUTE STATES, IN PART, THAT "A VICTIM'S ADVOCATE SHALL NOT BE EXAMINED AS TO ANY COMMUNICATION MADE TO SUCH VICTIM'S ADVOCATE BY A VICTIM OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3(1), C.R.S. IN PERSON OR THROUGH THE MEDIA OF WRITTEN RECORDS OR REPORTS WITHOUT THE CONSENT OF THE VICTIM."

I. Importance of Victim Confidentiality

THE ABILITY TO HAVE CONFIDENTIAL COMMUNICATIONS WITH AND CONFIDENTIAL ASSISTANCE FROM DOMESTIC VIOLENCE TREATMENT ADVOCATES IS CRITICAL FOR VICTIMS OF DOMESTIC VIOLENCE, BOTH FOR THEIR SAFETY AND FOR THEIR ABILITY TO REACH OUT TO AND TO TRUST ADVOCATES.

DISCUSSION POINT: IT IS THE TREATMENT VICTIM ADVOCATE'S RESPONSIBILITY TO KNOW THE DIFFERENT TYPES AND ROLES OF OTHER ADVOCATES AND VICTIM ASSISTANTS IN COMMUNITY-BASED ORGANIZATIONS OR IN THE CRIMINAL JUSTICE SYSTEM. OTHER ADVOCATES HAVE DIFFERENT DUTIES AND REQUIREMENTS IN REGARD TO CONFIDENTIALITY OF VICTIM INFORMATION. (REFERENCE DVOMB WEBSITE MTT RESOURCES DOCUMENT: EXPLANATIONS OF THE DIFFERENT ADVOCATE ROLES IN COLORADO)

II. IT IS IMPORTANT FOR ADVOCATES TO EXPLAIN THE BENEFITS AND LIMITATIONS OF CONFIDENTIALITY TO THE VICTIMS THEY ASSIST . WHEN

A VICTIM CHOOSES NOT TO PROVIDE INFORMATION, THE APPROVED PROVIDER, THE MTT AND THE TREATMENT VICTIM ADVOCATE SHALL HONOR THE VICTIM'S DECISION AND RIGHT TO CONTROL THEIR OWN INFORMATION.

III. Consultation with the Provider

- A. If the victim does give verbal or written permission, the TVA can discuss offender behavior or victim concerns with the Provider. The TVA and Provider will discuss ways the offender behaviors can be addressed in treatment, without the offender knowing the information was provided by the victim. The offender shall not be given any indication that the victim provided information, as protecting information shared by the victim is critical.
- B. If the victim does not give permission for the TVA to discuss specific information with the Provider, the TVA shall respect the victim's wishes. The advocate can discuss general victim considerations but shall not discuss specific victim information.
- C. TVAs shall know the Approved Provider's or agency's confidentiality policies and procedures, as they may be different from the TVA's confidentiality requirements.

IV. Exceptions to victim confidentiality

- A. When reporting suspected abuse or neglect of children, TVAs shall:
 1. Inform victims of this upon initial contact and as appropriate during victim contacts.
 2. Notify the victim when a report is made for suspected child abuse or neglect, or when their information is shared under a court order
 3. Advocates **may** inform the Approved Provider when a report has been made **with the victim's permission**.
- B. Informed consent for releases of information
 1. **THE TVA SHALL** explain options to victims regarding providing consent before their information is shared by the TVA with anyone else, including other members of the MTT.
 2. TVAs shall document the victim's verbal consent and all conditions that apply, and then written consent should be obtained as soon as

possible. Victim consent should be informed, written, and reasonably time-limited. Victim consent may be obtained verbally for information being shared only with the Approved Provider.

3. Treatment Victim Advocates shall honor victims' rights and choices regarding what, if any, victim information will be shared, and with whom including:
 - What specific victim information the advocate will be sharing
 - Who the information is to be shared with
 - How that information may be utilized
 - When that information will be shared
 - The time period for the release

C. TVA Role in Facilitating Releases of Information

1. A release of information from the victim is not required for advocacy to be provided by a TVA. A sample release form is available on the DVOMB website.
2. When a victim requests that information be shared with the offender or the MTT, the TVA is responsible for:
 - Exploring with the victim the possible range of consequences of sharing the information.
 - Obtaining a written release from the victim is required to share the information with the MTT and the offender. Ensuring that the Approved Provider and MTT consider how to effectively address the victim's concerns in order to consider the impact to the victim and victim safety. The information might not be directly shared with the offender, but rather the offender's treatment plan may be modified to address the issues of concern. The TVA should release the minimum information necessary to support the victim interests.
 - Informing the victim of the MTT plan for addressing the victim's concerns and modify the safety plan accordingly.
3. TVAs shall accept a victim's verbal request to withdraw a release of information. The advocate shall obtain verification in writing from the victim as soon as possible.
4. TVAs shall not accept a release of information form from another agency in lieu of a release of information from their own Approved Provider or agency.

7.07 Domestic Violence Treatment Victim Advocates Resources

DOMESTIC VIOLENCE TVAS SHALL BE, AT A MINIMUM, KNOWLEDGEABLE ABOUT THE FOLLOWING VICTIM RESOURCES IN THE COMMUNITIES THAT DOMESTIC VIOLENCE TVAS AND/OR THE APPROVED PROVIDERS FOR WHOM THEY WORK SERVES:

- COMMUNITY-BASED VICTIM ADVOCACY SERVICES, INCLUDING SHELTER SERVICES,⁷
- THE ROLE OF THE PROBATION VICTIM SERVICE OFFICER (VSO) AND HOW TO COLLABORATE/COORDINATE VICTIM SERVICES,
- THE ROLE OF THE PAROLE VICTIM SERVICES UNIT AND HOW TO COLLABORATE/COORDINATE VICTIM SERVICES,
- ADDRESS PROGRAM CONFIDENTIALITY,
- BEHAVIORAL HEALTH SERVICES,
- SEXUAL ASSAULT SUPPORT SERVICES,
- CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICES, AND
- HOW TO LOCATE SIMILAR RESOURCES IN OTHER AREAS THAT MAY BE OF INTEREST TO VICTIMS.

APPROVED

⁷ <https://dcj.colorado.gov/boards-commissions/domestic-violence-offender-management-board>