

Advocate Confidentiality Summary



In Washington State, victim advocates who work with sexual assault victims and survivors have certain confidentiality obligations that help them provide the best services to their clients. People who have experienced sexual assault and have access to confidential support have improved outcomes and also have greater capacity to report the crime and participate meaningfully in investigatory and legal proceedings.

Specifically, advocates' communications with survivors, and any client records maintained by Community Sexual Assault Programs (CSAPs) are protected by the following:

- **RCW 5.60.070(7)** – advocates' communications with survivors and any record of those communications are privileged. This protection is similar in scope to attorney-client privilege.
- **RCW 70.125.065** – CSAP records are protected from discovery.
- **Violence Against Women Act (VAWA)** –VAWA's universal grant conditions require survivor information to be kept confidential, which includes any identifying information. Most CSAPs receive VAWA funding.
- **CSAP policies** – accredited CSAPs must establish policies and procedures for maintaining their clients' confidential information and are not permitted to release it unless one of the following limited exceptions applies.

Exceptions to confidentiality:

- **Mandatory reports** - Advocates are mandated reporters of child abuse and abuse of vulnerable adults.
- **Permissive reports** - Advocates may disclose a confidential communication if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person.
- **Court orders** - Community Sexual Assault Programs may release their confidential client records if there is a court order for the records.

The above obligations, protections, and exceptions apply to all victims, survivors, and clients an advocate may receive contact from, including those who are living in a correctional or detention facility.