

CONFIDENTIALITY IN DOMESTIC VIOLENCE CASES

Background & Analysis:

Section 741.30, Florida Statutes, allows the petitioner for a domestic violence injunction to provide his or her address to the court in a confidential filing. Petitioners should file Family Law Form 12.980(h), Request for Confidential Filing of Address with the clerk. This is for the safety of the petitioner. The Florida Legislature enacted the Address Confidentiality Program to “enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence,” pursuant to §741.401, Florida Statutes. The Attorney General’s office operates the Address Confidentiality Program pursuant to §§741.401 through 741.409, Florida Statutes. Furthermore, §741.465(1), Florida Statutes, provides in part that, “The addresses, corresponding telephone numbers, and social security numbers of program participants in the Address Confidentiality Program for Victims of Domestic Violence held by the Office of the Attorney General are exempt from §119.07(1) and §24 (a), Art. I of the State Constitution.” This information, then, is not a matter of public record and must be kept confidential. Fla. R. Jud. Admin. 2.545(d)(4) also states that when a Notice of Related Cases is filed, a Notice of Confidential Information Within Court Filing, as required by Fla. R. Jud. Admin. 2.420, must also be filed since the victim’s address is confidential and exempt from public access by law.

The confidentiality provisions of Chapter 741 are not distinctly cross referenced to the other statutes that cover related areas of UFC. The clear intent and language used to create the Address Confidentiality Program indicates that information made confidential under its provisions must remain confidential regardless of the context in which the information is kept. If this were not true, then a respondent to a domestic violence injunction could simply initiate some other court matter as a means to discover the whereabouts of the petitioner.

When a domestic violence case is related to pending proceedings, the court should be mindful of these issues of confidentiality and take steps to ensure the safe keeping of confidential information. Likewise, the person seeking to keep certain identifying information confidential must be diligent in informing the court and clerk of the request for confidentiality, and must not disclose the information on his or her own in other court documents.