



WASHINGTON
Secretary of State

Address Confidentiality Program

The Address Confidentiality Program: Practical Information for Judicial Officers

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Learning Objectives

- Understand the Address Confidentiality Program (ACP)
- Recognize when you may encounter ACP participants
- Identify practices to maintain ACP participant confidentiality
- Find ACP resources



What is the Address Confidentiality Program?

Statewide program that provides individuals and their household members with a legal designated address for interacting with all state and local government agencies.

Services:

- Confidential mail forwarding
- Agent for service of process
- Protecting voting and marriage records

Legislative Intent



Enable agencies accept a program participant's use of the ACP issued address as a substitute mailing address



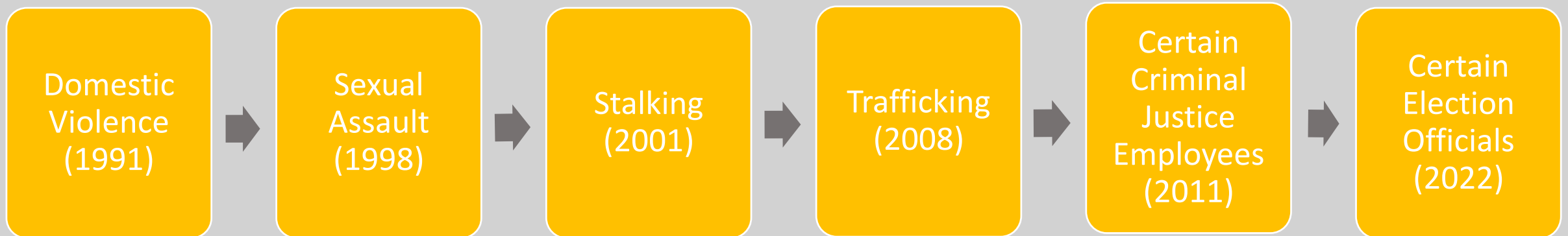
Enable agencies to respond to requests for public records without disclosing the location of the ACP participant



Enable interagency cooperation with the OSOS in provide confidentiality for ACP participants

History

Washington was the first state with an ACP program.



Who is eligible?

Survivors of:

- Domestic Violence
- Sexual Assault
- Stalking
- Trafficking

AND

- Fear for Safety
- Reside in Washington
- Have an address to protect
- Be an adult, parent or guardian

OR

- Criminal Justice Employee or Elections Official

How ACP Works

Individual visits
ACP website to
locate
Application
Assistant (AA) or
calls ACP*

AA provides
safety options
and assists with
ACP application

ACP receives
application and
issues new
address within
48 hours

Individual
notifies all
senders of new
address

ACP receives
mail and
forwards to the
individual's
actual address

ACP Authorization Card

State of Washington

Address Confidentiality Program

Pursuant to Chapter 40.24 RCW, the following person is authorized to use the ACP substitute address for all legal purposes;

Firstname Lastname

PO Box 257 PMB #####

Olympia, WA 98507-0257

Birthdate: XX/XX/XXXX

Card Expiration: XX/XX/XXXX

Signature of participant or parent/guardian

Upon request of the program participant, state and local agencies shall accept the address designated by the secretary of state when creating a new public document. The address shall be used as the participant's only address of record for residential, school, or work, and must be used on all correspondence.

Questions regarding the ACP program or use of this card:

(360) 753-2972 or toll free (800) 822-1065

Authorization #####

PMB = Participant Mailbox

How to know when you are interacting with a participant?

- Participant's responsibility to request designated address to be used
- If participant has not provided authorization card, ask to see it or ask for the designated address with their PMB#
- Agencies may make a copy of the participant's authorization card
- Participation can be confirmed by call the ACP office at 800-822-1065

OSOS Disclosure of information

RCW 40.24.070 limits OSOS disclosure of ACP participant information to the following circumstances:



Court order and participants

RCW 40.24.075 limits issuance of court orders for participant information to probable cause finding by judicial officer that participant information is *legally necessary* in the following situations:

- In course of criminal investigation or prosecution;
- To prevent immediate risk to a minor and meet statutory requirements of Washington child welfare system;
- Any court order so issued will prohibit the release of the information to any other agency or person not a party to the order.

SCENARIO #1

In a family law case, Respondent's attorney argues that the physical address of Petitioner, an ACP participant, is necessary to serve them with legal documents.

What do you do?

What if it was a protection order case?

SCENARIO #2

In a dissolution case involving children, the parties have shared residential time. Both are unrepresented. After separating and before the case was filed, Respondent enrolled in ACP.

- In crafting an appropriate final parenting plan, and based on what you know, do you have any safety concerns? If so, how might you address them?
- What can you determine about where the parties should meet to exchange the children?
- What other information would be helpful to know and how do you obtain it?
- Is there anything in the Code of Judicial Conduct (CJC) that might apply?

After final orders are entered in the above dissolution, Petitioner files a Petition to Modify the parenting plan and requests sole custody based on allegations of unsafe living conditions at Respondent's residence.

- Petitioner requests disclosure of Respondent's address to assess the children's living conditions while with Respondent. How should the court address that request for disclosure?
- Is there other information that would help you in making that determination and how do you obtain it?

Code of Judicial Conduct, Rule 2.2

Impartiality & Fairness

Comment 4: "At times, judges have before them unrepresented litigants whose lack of knowledge about the law and about judicial procedures and requirements may inhibit their ability to be heard effectively. **A judge's obligation under Rule 2.2 to remain fair and impartial and to uphold and apply the law does not preclude the judge from making reasonable accommodations to ensure an unrepresented litigant's right to be heard, so long as those accommodations do not give the unrepresented litigant an unfair advantage.** This rule does not require a judge to make any particular accommodation."

Code of Judicial Conduct, Rule 2.6

Ensuring the Right to Be Heard

Comment 4: “Judges should endeavor to ensure unrepresented litigants have a fair opportunity to participate in proceedings. While not required, judges may find the following nonexhaustive list of steps consistent with these principles and helpful in facilitating the right of unrepresented litigants to be heard...” including:

- Asking neutral questions to elicit or clarify information
- Inviting questions about what has occurred or is to occur
- Permitting narrative testimony
- Asking questions to establish the foundation of evidence, when uncertain
- Announcing the decision, if possible, from the bench, taking the opportunity to encourage litigants to explain any problems they might have complying

Other Considerations

Use of ACP's designated address is not retroactive

Utilize designated address to:

- Update existing public records
- When creating new public records

**Most effective to enroll after moving to a new address
AND before updating any public records**

ACP Laws & Reference Information

Chapter 40.24 RCW	Address Confidentiality Program Act
Chapter 434-840 WAC	Address Confidentiality Program Administrative Rules
RCW 26.09.460	Dissolution Proceedings - Limitation of notices
RCW 26.12.270	Family Court - Address confidentiality program
RCW 40.24.010	Findings—Purpose—Intent
RCW 40.24.030	Address confidentiality program—Application—Certification
RCW 40.24.050	Agency use of designated address
RCW 40.24.075	Court order for address confidentiality program participant information
RCW 9A.46.020	Definition - Penalties
RCW 9A.90.120	Cyber harassment
WAC 434-840-017	Substitute address
WAC 434-840-080	Service of process
31 Gonz. L. Rev.523	Gonzaga Law Review 1995-1996

Additional Resources

WASHINGTON ADDRESS CONFIDENTIALITY PROGRAM BENCH CARD

What is the Washington Address Confidentiality Program (ACP)?

The ACP is a statewide program that provides individuals and their household members with a legal designated address for interacting with all state and local government agencies, including the courts. The designated address may be used as the participant's home, school, or work address.

The ACP also provides confidential mail forwarding services and protects voting and marriage records. The program is administered by the Secretary of State's Office.

The program became law in 1991 to assist survivors of domestic violence. It has since been expanded to include:

- Survivors of sexual assault (1998), stalking (2001), and trafficking (2008),
- criminal justice participants, including judges (2011), and
- election officials (2022).

Most applicants obtain an ACP designated address with the assistance of a victim advocate.

What is the intent of ACP?

The program is intended to be used to prevent abuser and potential abusers from locating a participant through public records.

The purpose of the law is to enable:

- state and local agencies, including the courts, to respond to requests for public records without disclosing the location of the participant;
- interagency cooperation with the secretary of state in providing address confidentiality to participants enrolled in the program; and
- state and local agencies to accept a program participant's use of the address designated by the Secretary of State as their address.

The designated address, and not their actual (confidential) address, will appear in public records.

(RCW [40.24.010](#))

Why should government agencies and courts accept the ACP address?

In most cases, state and local agencies shall accept the designated address when creating a new public record upon request of the ACP participant. The court shall act in accordance with the requirements of the ACP in the course of all proceedings under family court.

(RCWs [26.12.270](#) and [40.24.050](#))

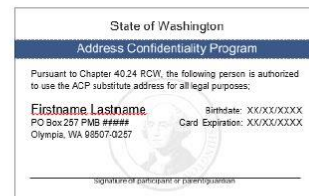
How do I know when I am interacting with a participant enrolled in the ACP?

It is the ACP participant's responsibility to request use of the designated address.

Agencies may ask the participant for their ACP authorization card as verification they are in the program (see sample below). Agencies and courts may copy the card for their records.

When a participant files a petition in court using the ACP designated address, or updates their address to the ACP address, the county associated with the designated ACP address will be Thurston County.

The ACP designated address is PO Box 257, Olympia WA 98507. A complete designated address includes a Participant Mailbox Number (PMB).



(RCW [40.24.050](#) and WAC [434-840-017](#))

Sexual Violence Bench Guide CH9, Appendix I

Domestic Violence Bench Guide Appendix L

Available on the Gender & Justice Commission website:

<https://www.courts.wa.gov/?fa=home.sub&org=gjc&layout=2>

