Legally Brief-FACT SHEET:

Address Disclosure in the Address Confidentiality Program

Did you know that if a survivor you are working with is in the Address Confidentiality Program, they cannot be ordered to disclose that address in a civil proceeding until:

- A full hearing is held, AND
- The Office of the Indiana Attorney General is noticed and has an opportunity to respond.
- The AG's office may provide a representative to testify against the disclosure!

IC 5-26.5-5-6 Civil or criminal proceedings; disclosure

Sec. 6. (a) A person may not disclose a program participant's address in the course of a civil or criminal proceeding before a court or other tribunal, unless that court or tribunal finds that:

(1) the address is needed to obtain information or evidence without which the matter before the court or other tribunal may not proceed;

(2) there is no other practicable way of obtaining the information or evidence; and

(3) the potential harm to the safety of the program participant is outweighed by the interest in disclosure.

(b) The court or other tribunal must provide the program participant and the office of the attorney general with:

(1) notice that address disclosure is sought; and

(2) an opportunity to be heard and present evidence regarding the potential harm to the safety of the program participant if the address is disclosed.

(c) In a criminal proceeding, the court or other tribunal shall order disclosure of a program participant's address if the court or tribunal finds that protecting the address would violate a constitutional right of the accused.

(d) If the court or other tribunal orders disclosure of a program participant's address in a civil or criminal proceeding, the court or tribunal shall issue an appropriate order to further prohibit the disclosure of the address except to the extent absolutely necessary to obtain the information or evidence.

For more information or with questions, please contact ICADV Legal Counsel Kerry Hyatt Bennett at kbennett@icadvinc.org