

Advocate Annie is working with a survivor named Derrick who is a 17 year old high school student. Derrick was making out with the quarterback of the football team at a party, something they have done several times before. When the quarterback wanted to go further, Derrick said, “No”, but the quarterback raped him. Derrick is pretty confused about whether he is gay and he says Annie is the only person he has told about either the making out or the sexual assault.

Annie knows of a youth services program for gay, lesbian, bisexual and questioning teenagers. She thinks they could help Derrick. Derrick definitely does not want to be publicly identified as gay. Annie is really concerned that Derrick will have serious mental health struggles if he does not come to terms with his sexuality as well as his sexual assault.

Need consent to disclose personally identifying information about Derrick?

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What form of consent?

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Need consent to make a referral for Derrick to the teen center?

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Is there a way to make a referral for Derrick without needing a release?

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What do you say to Derrick about confidentiality in connection with making a referral?

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Advocate Annie is working with a survivor named Ivana who came to the U.S. on a tourist visa to visit a man she had met on-line. He swept her off of her feet and married her, but has never taken steps to get her legal status in the United States. Unfortunately, her husband has been sexually, physically and emotionally violent since their marriage. Ivana has never sought legal or police assistance for the abuse. She did see a doctor regularly when she was pregnant. She has given you a detailed description of the things that he did to her in the past.

Ivana is working with a lawyer to do a VAWA Petition for legal status. Ivana's lawyer calls Advocate Annie and says, "The law says that statements from victims and from advocates will be considered as part of a VAWA application. You need to write a statement that includes everything Ivana said to you about the abuse from her husband. You need to sign it and date it. It will then be sent to immigration authorities. Get it to me by Tuesday."

Need consent to disclose personally identifying information about Ivana?

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What form of consent?

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Who decides whether you write and send the letter?

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Is there a way to document Ivana's experience of abuse without needing a release for you?

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What do you say to Ivana's lawyer about the request:

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Advocate Annie is working with a survivor named Jan who was raped by her estranged husband, who is in the Marine Corps with her. He is currently deployed so she has not seen him for a couple of months. Jan goes back and forth between wanting to keep the rape as secret as possible, and wanting to pursue any legal rights that might be available to her, including his court martial. Today, she calls Advocate Annie and says, “I am ready to talk to a lawyer. I would like to discuss divorcing my husband and pursuing court martial charges for him. Do you know a lawyer I could talk to?”

Annie says, “Yes, I do. We have a direct referral relationship with Military Legal Aid. They will streamline your intake process and set you up to meet with a lawyer if we recommend your case. Would you like me to do that?”

Jan says, “Yes, please make that referral.”

Need consent to disclose personally identifying information about Jan?

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Based on what you have now, can you call and make a referral with personally identifying information?

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What form of consent do you need?

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How can you lawfully make the referral for Jan without needing to get a written release?

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What does Advocate Annie say to Jan about confidentiality and making the referral?

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Advocate Annie is working with a survivor named Leslie. Leslie gets by on SSI and was renting a room in a group house. Leslie started dating a man in the next room over in the house. Unfortunately, he became violent and last month he threatened Leslie with a gun. Leslie came in to the shelter that night and has been unable to afford private housing outside of the shelter.

There is a transitional housing program that would help Leslie as a victim of domestic violence. Leslie did not make police report or get a protective order. Leslie does give a compelling and complete description of the violence to Advocate Annie. Since Leslie's time is running out at the shelter, Annie knows that assistance with housing is desperately needed.

The transitional housing program requires some documentation of domestic violence, which can come from a police report, a doctor's letter, a written statement from the victim, or a letter from an advocate or clergy. Leslie asks Annie to help with documentation so Leslie can get into the transitional housing program.

Need consent to disclose personally identifying information about Leslie to the transitional housing program?

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What kind of consent?

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Is there a way for Annie to help Leslie with documentation for the transitional housing program without needing a release?

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What is Annie going to say to Leslie about confidentiality and the transitional housing documentation?

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