

OFFICE OF THE SECRETARY OF STATE
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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 137
DEPARTMENT OF JUSTICE

FILED
04/25/2022 4:54 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Updates and clarifications to the Address Confidentiality Program rules.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/02/2022 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Valerie Smith
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1162 Court St NE
Salem, OR 97301

Filed By:
Rebecca Shaw
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 06/02/2022
TIME: 10:00 AM - 11:30 AM
OFFICER: Valerie Smith
ADDRESS: Dept of Justice
1162 Court St NE
Salem, OR 97301
SPECIAL INSTRUCTIONS:
This will be an online or telephonic hearing.

NEED FOR THE RULE(S)

As the Address Confidentiality Program has grown the rules need updates and/or clarification to be in line with current protocol.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Internal procedure manual at DOJ CVSSD.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Address Confidentiality Program has always offered services regardless of perceived race, color, national origin, religion, gender identity, sexual orientation, or disability.

FISCAL AND ECONOMIC IMPACT:

None.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the

rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

N/A. Small businesses are not affected by these rule changes.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Changes are for clarification purposes only.

RULES PROPOSED:

137-079-0110, 137-079-0120, 137-079-0130, 137-079-0140, 137-079-0150, 137-079-0160, 137-079-0170, 137-079-0180, 137-079-0190, 137-079-0200, 137-079-0210

AMEND: 137-079-0110

RULE SUMMARY: As the Address Confidentiality Program has grown the rules need updates and/or clarification to be in line with current protocol.

CHANGES TO RULE:

137-079-0110

Authority and Purpose ¶

These rules set out guidelines for the operation of the Address Confidentiality Program (ACP) set forth in ORS 192.820 through 192.868. This includes the designation of Application Assistants; the process by which an individual may apply to participate in the Address Confidentiality Program; application process to participate in the ACP; the certification of a program participant; ongoing participation and termination of participation in the Address Confidentiality Program, CP; the responsibility of public agencies to use the substitute address provided by the Address Confidentiality Program, CP; conditions under which a participant's actual address may be disclosed or participation in the Address Confidentiality Program CP may be verified; service of process on a participant; and other aspects of program operation.

Statutory/Other Authority: ORS 192.860, 2005 OL, Ch. 821, SB 850

Statutes/Other Implemented: ORS 192.820-192.868, 2005 OL, Ch. 821, SB 850

AMEND: 137-079-0120

RULE SUMMARY: As the Address Confidentiality Program has grown the rules need updates and/or clarification to be in line with current protocol.

CHANGES TO RULE:

137-079-0120

Definitions ¶¶

~~(1) "Department" is the Oregon Department of Justice.~~
Application Assistant Agreement" is the agreement signed by the Department and an Application Assistant, which specifies the responsibilities of the Application Assistant and the Department.¶¶

~~(2) "Administrative Coordinator" is the person designated by the Department to provide programmatic coordination to the Program.¶¶~~

~~(23) "Applicant" is an individual who completes and submits an application to participate in the Address Confidentiality Program.~~
CP.¶¶

~~(34) "Application Assistant" is an individual designated by the Department to assist applicants with the completion and submission of an application to the Address Confidentiality Program.~~
CP, as further defined in ORS 192.820(3).¶¶

~~(45) "ACo-application Assistant Agreement" is the agreement signed by the Department and a participant and submits an Application Assistant, which specifies the responsibilities of the Application Assistant and the Department.~~
to participate in the ACP.¶¶

~~(6) "Department" is the Oregon Department of Justice.¶¶~~

~~(57) "Mailing Address" is an address to which a program participant requests mail to be sent by the Address Confidentiality Program.~~
CP. A mailing address may be a post office box; if the participant's actual address is a street address in Oregon.¶¶

~~(68) "Program" is the Address Confidentiality Program established in ORS 192.820-192.868.¶¶~~

~~(79) "Administrative Coordinator" is the person designated by the Department to provide programmatic coordination to the Program.~~
Program Participant" is an individual who has submitted an application that has been approved by the Department.

Statutory/Other Authority: ORS 192.860, 2005 OL, Ch. 821, SB 850

Statutes/Other Implemented: ORS 192.820-192.868, 2005 OL, Ch. 821, SB 850

AMEND: 137-079-0130

RULE SUMMARY: As the Address Confidentiality Program has grown the rules need updates and/or clarification to be in line with current protocol.

CHANGES TO RULE:

137-079-0130

Application Assistant Certification ¶

(1) Application Assistants shall be designated by the Department upon satisfaction of the requirements included in this section and in compliance with ORS 192.826 and 192.854.¶

(2) Requirements for designation of an Application Assistant shall include:¶

(a) Current service in a public or private entity as described in ORS 192.854(1);¶

(b) At least forty (40) hours of comprehensive training in that covers domestic violence, sexual assault and stalking in-person advocacy, which may include the training required for in-person domestic violence, sexual assault, human trafficking, and stalking responders by the Department of Human Services, or comparable training, as determined by the Administrative Coordinator in-person advocacy, or is a certified advocate under ORS 40.264. Topic areas covered by such training shall include comprehensive safety planning and confidentiality;¶

(c) Completion of training provided by the Department ~~or designee~~ on the Program and the role of the Application Assistant;¶

(d) Signing an Application Assistant Agreement with the Department, ~~and specifying the~~ which will include the victim services agency where the Application Assistant is currently serving; and¶

(e) Such other requirements as the Department may require in ~~its discretion~~ in order to carry out the activities enumerated in ORS 192.820 through ORS 192.865. ~~When an~~¶

~~(3) The Application Assistant applies to renew a designation, these requirements may include but are not limited to supplemental or additional training.¶~~

~~(3) Notwithstanding the above requirements, designation and the renewal of designation of an Agreement shall be for a term of two (2) years from the date of approval. The Application Assistant shall be at the discretion of the Department.¶~~

~~(4) They may apply again at the end of the term. The new Application Assistant Agreement shall be for a term of two (2) years, and shall be request must be submitted to the Program within thirty (30) days of the r renewable upon request of the Application Assistant and expiration date of the existing Application Assistant Agreement for there not to be a gap in time, and upon a determination by the Department in its discretion that the Application Assistant continues to fulfill the requirements for designation, including to continue to serve the agency specified in the Application Assistant Agreement, a new designation will be effective.¶~~

~~(5) When an Application Assistant who has been designated leaves the victims service agency specified in the Application Assistant Agreement, the Agreement shall terminate, and the Application Assistant designation shall be cancelled. ¶ upon the date the Application Assistant may apply for a new designation and shall be designated according to the provisions of this section and ORS 192.820-192.854. terminates their position with the agency. Termination due to leaving a position does not prohibit an Application Assistant from reapplying when eligible again. ¶~~

~~(6) The Department shall keep a list of agencies at which Application Assistants are currently designated and shall make the information available to on the public DOJ website.¶~~

~~(7) If the Department fails to receive sufficient funding to allow the Program to operate, the Department shall notify each currently designated Application Assistant that the Program is no longer accepting applications from prospective participants and is terminating the Application Assistant Agreements. If, after sending such notice, the Department receives funding to allow the Program to resume, the Department shall notify each Application Assistant whose designation was cancelled due to lack of funding, and shall offer a process consider a new application for redesignation.~~

Statutory/Other Authority: ORS 192.860, 2005 OL, Ch. 821, SB 850

Statutes/Other Implemented: ORS 192.820-192.868, 2005 OL, Ch. 821, SB 850

AMEND: 137-079-0140

RULE SUMMARY: As the Address Confidentiality Program has grown the rules need updates and/or clarification to be in line with current protocol.

CHANGES TO RULE:

137-079-0140

Application Process for the Address Confidentiality Program

(1) The Program shall create an ~~Address Confidentiality Program~~ CP Application form that includes the requirements set forth in ORS 192.826, as well as the address to which the application must be sent. The Program shall make copies of the application available to all currently designated Application Assistants, along with instructions as to how the application must be submitted. ~~The Program shall make copies of the application available to others at the discretion of the Administrative Coordinator and in compliance with the requirements of these rules and in compliance with ORS 192.826.~~

(2) In addition to including the requirements set forth in ORS 192.826, the ~~Address Confidentiality Program~~ CP Application and/or accompanying written materials provided to the applicant as part of the application process shall:

(a) Specify the term of certification to the Program as described in ~~section~~ OAR 137-079-0150(3);

(b) Specify any other rights and obligations of a Program participant pursuant to ORS 192.820-192.868; and

(c) Inform the applicant that participation in the Program will cause a delay in the receipt of mail sent to the Program substitute address and forwarded to the Program participant by the Program.

(3) "Other forms of evidence" as described in ORS 192.826(3)(b)(D) includes any written or oral evidence from which an Application Assistant can reasonably conclude that the applicant is a victim of domestic violence, stalking, human trafficking or a sexual offense within the meaning of ORS 192.820(8)-(101).

(4) ~~The evidence required to be contained by the application by~~ comply with ORS 192.826(3)(b), the application shall also consist of a statement by the Application Assistant that the Application Assistant has reviewed and considered evidence that meets the requirements of ORS 192.826 and paragraph 3 of this section and has determined that they can reasonably conclude the applicant has met the criteria.

(5) The Program shall review every application it receives for completeness. If an application is received by the Program that is incomplete and therefore cannot be certified, the Administrative Coordinator shall make reasonable efforts to ~~remedy the incomplete~~ contact the Application Assistant and/or applicant to assist in completing the application. If the application is ~~unable to be~~ not completed within thirty (30) days of receipt by the Program, the Administrative Coordinator shall notify the applicant that the application has been denied, and that the applicant may submit a new, complete application to the Program at any time. The Administrative Coordinator may exercise discretion and extend the thirty (30) day period for a reasonable amount of time if the Administrative Coordinator determines that such extension serves the purpose of the Program.

(6) When an application is denied by the Department for any reason, the Administrative Coordinator shall inform the applicant in writing that the application has been denied and the reason for the denial. The notice shall state that the ~~Program participant~~ applicant has thirty (30) days from the date of the notice in which to submit to the Program an appeal of the denial and the Program shall provide the address to which the appeal must be sent. The notice shall specify:

(a) That the appeal must be in writing, signed by the ~~Program participant~~ applicant, and must include information and an explanation as to why the application should be approved;

(b) That the appeal will be reviewed by the Attorney General or designee and a determination will be made within five (5) business days of receipt of the appeal by the Program;

(c) That the applicant will be notified in writing of the determination; and

(d) That the decision of the Attorney General or designee is final.

Statutory/Other Authority: ORS 192.860, 2005 OL, Ch. 821, SB 850

Statutes/Other Implemented: ORS 192.820-192.868, 2005 OL, Ch. 821, SB 850

AMEND: 137-079-0150

RULE SUMMARY: As the Address Confidentiality Program has grown the rules need updates and/or clarification to be in line with current protocol.

CHANGES TO RULE:

137-079-0150

Certification Process for Program Participation ¶¶

(1) When an application received by the Program is determined to be complete and, the information it contains is in compliance with Program requirements, and the application is approved by the Attorney General or designee, the Program shall promptly certify the applicant to the Program.¶¶

(2) ~~As soon as an applicant is~~ Upon certification as a Program participant, the Program shall assign the Program participant a substitute address in compliance with ~~as set forth in~~ ORS 192.822(2) and shall:¶¶

(a) Notify the Program participant of that address, as well as the requirements for its use;¶¶

(b) Provide the Program participant with the authorization card described in ORS 192.826(5); and¶¶

(c) Notify the Program participant of any additional information that will ~~enable~~ assist the Program participant to fully participate in the Program.¶¶

~~(3) Per ORS 192.826(6), including but not limited to information about process of service, public bodies, and renewal obligations as described in ORS 192.828 through 192.836.¶¶~~

(3) The term of certification of a Program participant to the Program shall be for a period of four (4) years, subject to renewal as described in subsection four (4) of this section.¶¶

(4) A Program participant may renew the certification by filing an application for renewal with the Program at least thirty (30) days prior to the expiration of the current certification. No later than sixty (60) days prior to the expiration of the current certification, the Administrative Coordinator shall send the Program participant the information and materials needed in order to file the application for renewal, as well as the date by which the application must be filed. The application for renewal shall contain all the information required by ~~ORS 192.826~~ these rules. For purposes of a renewal of certification, the evidence required to be included in the application by ORS 192.826(3)(b) may shall consist of a statement by the Program participant that the information included in the original application remains materially unchanged and therefore the Program participant continues to need the services provided by the Program. The Administrative Coordinator may waive the thirty (30) day requirement described in this paragraph if the Administrative Coordinator determines that the reason for waiving the requirement serves the purpose of the Program.¶¶

(5) If the term of certification described in ~~paragraph 3~~ subsection three (3) of this section has ~~expired~~ and the Program participant has not filed an application for renewal of certification, the Program shall ~~cancel the certification, return mail to sender.~~¶¶

(6) A Program participant's certification may be cancelled at the request of the participant. The request must be in writing and signed by the participant. ~~The signature shall be notarized by a notary public or witnessed by a currently certified Application Assistant.~~ The cancellation shall be considered effective the next business day after the request is received by the Program. The Program shall immediately confirm this cancellation in writing and shall inform the Program participant that all Program services have been discontinued. The Program will return all mail received, indicating that the addressee is no longer at the Program address.¶¶

~~(7) In addition to the cancellation described in paragraph 5 of this section, a~~ The Program may hold returned or undeliverable mail of a Program participant for up to ten (10) days.¶¶

(8) A Program participant's certification shall be cancelled by the Program:¶¶

(a) When the Program participant has obtained a legal name change through an order of the court and fails to provide notice and a copy of the order to the Office of the Attorney General within thirty (30) days after entry of order as required in ORS 192.832;¶¶

(b) When the Program participant has violated statutory or Program requirements; or¶¶

(c) When mail forwarded to the Program participant at the participant address is returned to the Program as undeliverable.¶¶

~~(8) When certification is~~ Prior to a cancelled ~~ation~~ pursuant to (7)(a) of this section, ~~prior to cancellation,~~ the Administrative Coordinator shall notify the Program participant that the Program participant ~~may apply for certification under~~ is required to submit the required name change form or re-apply under the new legal name. The Program participant must include a copy of the court documentation verifying the new legal name, as described in section 137-079-0160(1) of these rules.¶¶

(9) When certification is cancelled by the Program for any reason, the Administrative Coordinator shall send a written notice of the cancellation to the Program participant instructing the participant to return the authorization card to the Program immediately. The notice shall specify the reason(s) for cancellation and shall

state that the Program participant has thirty (30) days from the date of the notice in which to submit to the Program an appeal of the cancellation. The notice shall specify:¶

(a) That the appeal must be in writing, signed by the Program participant, and must include information and an explanation as to why the certification should not be cancelled;¶

(b) That the appeal will be reviewed by the Attorney General or designee and determination will be made within five (5) business days of receipt of the appeal by the Program;¶

(c) That the applicant will be notified in writing of the determination;¶

(d) The responsibility to notify persons and public bodies using the substitute address as the address of the Program participant that the substitute address is no longer valid is the responsibility of the Program participant and the Program will also provide instruction that shall include the information that it is the Program participant's responsibility to provide public bodies and others with the Program participant's new address; and¶

~~(de)~~ That the decision of the Attorney General or designee is final.¶

~~(101)~~ When certification is cancelled by the Program pursuant to ~~paragraph~~subsection (78)(a) or (78)(b) of this section, the written notice described in ~~paragraph 9~~ of this section shall state, in addition to the information specified in ~~paragraph (9)(a)-(c)~~, shall state that the Program will continue to forward mail to the Program participant for thirty (30) days after the date of the notice if no appeal is received or, if an appeal is received within thirty (30) days, until the ~~appeal is resolved~~final determination. The Administrative Coordinator may exercise discretion and extend the thirty (30) day period up to six (6) months if the Administrative Coordinator determines that such extension serves the purpose of the Program.¶

~~(112)~~ When certification is cancelled by the Program pursuant to ~~paragraph 7~~subsection 8(c) of this section, the written notice described in ~~paragraph 9~~subsection 10 of this section shall state, in addition to the information specified in ~~paragraph (9)subsection (10)(a)-(ee)~~, that all Program services have been discontinued and that the Program will return mail received for the Program participant to the Post Office to return to the sender after the 30-day appeal period has passed.¶

~~(123)~~ If the Department fails to receive sufficient funding to allow the Program to operate, the Department shall notify each currently certified Program participant that the Program is no longer able to receive and forward the Program participant's mail and is ~~cancell~~ing the Program participant's participation in the Program. The notice shall specify a reasonable amount of time, no less than thirty (30) days, during which the Program will continue to receive and forward the Program participant's mail, and in which the Program participant must establish a new address and inform other agencies of change of address. If, after sending such notice, the Department receives funding to allow the Program to resume, the Department shall notify each Program participant whose certification was cancelled due to lack of funding; and shall describe the process for recertification.¶

~~(13)~~ ~~When certification is cancelled for any reason, and in addition to information described in paragraphs (2)-(11) of this section, the Program shall send the Program participant information instructing the Program participant:~~¶

~~(a) To return the authorization card to the Program immediately; and~~¶

~~(b) To notify persons and public bodies using the substitute address as the address of the Program participant that the substitute address is no longer valid for the Program participant. The instruction shall include the information that it is the Program participant's responsibility to provide public bodies and others with the Program participant's new address.~~

Statutory/Other Authority: ORS 192.860, 2005 OL, Ch. 821, SB 850

Statutes/Other Implemented: ORS 192.820-192.868, 2005 OL, Ch. 821, SB 850

AMEND: 137-079-0160

RULE SUMMARY: As the Address Confidentiality Program has grown the rules need updates and/or clarification to be in line with current protocol.

CHANGES TO RULE:

137-079-0160

Ongoing Program Participation ¶¶

(1) ~~When a Program participant must notify~~ the Program of a legal name change within thirty (30) days of signing of an order authorizing a legal name change by a judge pursuant to ORS 192.832(1), and requests continued participation in the Program, the Administrative Coordinator shall send the Program participant the required name change form or an application to re-apply to the Program under the new legal name, as well as the inf. If the participant chooses to re-apply and obtain a new substitute address, mail in the previous name and assigned number will be forwarded for thirty (30) days and the previous substitute address will be cancelled, and mail will be returned to sender. The Administrative Coordinator ~~information required in order to complete the new application. The new application shall be received and processed according to the provisions of 137-079-0140.~~ exercise discretion and extend the thirty (30) day period up to six (6) months if the Administrative Coordinator determines that such extension serves the purpose of the Program. The Program participant will be required to provide the Program with court documentation of the new legal name. The new application shall be received and processed according to the provisions of 137-079-0140. Failure to report the name change to the program may be a reason to cancel the Participant's certification. ¶¶

(2) When a Program participant notifies the Program of a legal name change pursuant to ORS 192.832(1); and does not request to continue participation in the Program, the Administrative Coordinator shall send the Program participant notice of cancellation as described in section 137-079-0150(9), (10) and (13) of these rules. ¶¶

(3) When a Program participant notifies the Program of a change of address or telephone number in writing pursuant to ORS 192.832(2), the Administrative Coordinator shall request from the Program participant such information as is necessary to determine whether the Program participant is still eligible to be certified for participation in the Program. ¶¶

(a) If the Administrative Coordinator determines that the Program participant remains eligible for participation, the Administrative Coordinator will enter the new information in Program records so that mail sent to the Program and required to be forwarded to the Program participant is forwarded to the correct Program participant address; or ¶¶

(b) If the Administrative Coordinator determines that the Program participant is no longer eligible for participation, the Administrative Coordinator shall send the Program participant notice of cancellation as described in section 137-079-0150(78)-(13) of these rules. ¶¶

~~(4) The Administrative Coordinator shall establish a procedure in order to assure records are kept with regard to certified and registered mail received for Program participants.~~

Statutory/Other Authority: ORS 192.860, 2005 OL, Ch. 821, SB 850

Statutes/Other Implemented: ORS 192.820-192.868, 2005 OL, Ch. 821, SB 850

AMEND: 137-079-0170

RULE SUMMARY: As the Address Confidentiality Program has grown the rules need updates and/or clarification to be in line with current protocol.

CHANGES TO RULE:

137-079-0170

Responsibility of Public Bodies to Use Substitute Address ¶¶

(1) Upon certification of a Program participant as described in 137-079-0150(1) and (2), the Program shall notify the Program participant in writing of the requirements ~~of~~or public bodies to use the substitute address and the Program participant's responsibility with regard to requesting that public bodies use the address, ~~pursuant to ORS 192.836(1) and (2).~~¶

(2) In addition to the information described in ~~paragraph 1~~subsection one (1) of this section, the Program shall:¶

(a) Provide the Program participant with ~~specific information, as such information is available,~~available information regarding the use of the substitute address with various public bodies, ~~including information, as available, as to how the delays in mail receipt caused by~~ and that participation in the Program may impact the benefits or services provided by public bodies; and¶

(b) Notify the Program participant that a public body may request a waiver to not use the substitute address, ~~pursuant to ORS 192.836(3) and (4).~~¶

(3) When a Program participant submits a current and valid authorization card to a public body as described in ORS 192.836(2), the public body employee creating a new record ~~may make a file photocopy~~will accept the information ofn the authorization card and immediately return the card to the Program participant.¶

(4) The Program will accept and retain information from Program participants regarding public bodies that refuse to accept the substitute address for the creation of public records or modification of existing records.

Statutory/Other Authority: ORS 192.860

Statutes/Other Implemented: ORS 192.860 - 192.868

AMEND: 137-079-0180

RULE SUMMARY: As the Address Confidentiality Program has grown the rules need updates and/or clarification to be in line with current protocol.

CHANGES TO RULE:

137-079-0180

Public Body Exemption Waiver ¶¶

(1) A request for a waiver from the requirements of the Program made by a public body ~~pursuant to ORS 192.836(3)~~ may be for an individual Program participant, for a class of Program participants or for all Program participants. The request must be in writing and must contain:¶¶

(a) The information specified in ORS 192.836(3)(a) and (b), including a description of the specific record or records for which the exemption is requested and identifying the individual(s) who will have access to the record; and¶¶

(b) A description of the alternatives to the waiver the public body has considered and why those alternatives are not feasible.¶¶

(2) When the Program receives a request for a waiver ~~pursuant to ORS 192.836(3)~~, the Administrative Coordinator will determine if the waiver request meets the requirements of 192.836(3) is complete. If the request is not in writing, ~~or fails to include the required explanation or the affirmation described in 192.836(3)(a) and/or (b)~~, or is otherwise incomplete, the Administrative Coordinator will inform the public body requestor of the incomplete submission within five (5) business days of receiving the request, and ~~that~~ no determination will be made until the request is complete.¶¶

(3) When the Program receives a complete request for a waiver ~~that is complete~~, the Attorney General or designee shall consider whether the public body submitting the request has demonstrated its inability to meet its statutory or administrative obligations by possessing or using the substitute address. The Attorney General or designee's acceptance or denial of the request:¶¶

(a) Shall be recorded pursuant to ORS 192.836(4);¶¶

(b) Shall specify the duration of the waiver, if approved, which shall be based upon the reason or reasons for which the waiver is approved; and¶¶

(c) Shall be sent to the requestor within ten (10) business days of the date on which the complete request was received.

Statutory/Other Authority: ORS 192.860, 2005 OL, Ch. 821, SB 850

Statutes/Other Implemented: ORS 192.820-192.868, 2005 OL, Ch. 821, SB 850

AMEND: 137-079-0190

RULE SUMMARY: As the Address Confidentiality Program has grown the rules need updates and/or clarification to be in line with current protocol.

CHANGES TO RULE:

137-079-0190

Verification/Proof of Program Participation ~~(192.848(4))~~ ¶

(1) A request for verification of a Program participant's participation in the Program made by a representative of a public body for an official purpose ~~pursuant to ORS 192.848(4)~~ may be made to the Program in writing ~~or verbally~~. The person requesting verification, the public body they represent, and the purpose for which verification is requested must be provided and will be recorded by the Program.¶

(2) If the Administrative Coordinator determines that the request for verification is being made by a public body for an official reason, the Administrative Coordinator may verify the Program participant's participation. A signed release from the Program participant for whom the verification is requested ~~may~~shall be required by the Department in support of the request.¶

(3) The verification of participation in the Address Confidentiality Program may be made in writing ~~or verbally~~ at the discretion of the Administrative Coordinator.¶

(4) A request for verification may include more than one Program participant, if the request satisfies the requirements of ORS 192.848(4) and this section for each Program participant for whom the request is made.¶

(5) A non-governmental entity or individual may submit a request for verification of a Program participant's participation in the Program. The request:¶

(a) Must be in writing;¶

(b) Must include the reason for which the verification is requested; and¶

(c) Must be supported by a signed release from the Program participant for whom the verification is requested.

When such a request and supporting documentation are received, the Administrative Coordinator may, at ~~his or her~~their discretion, verify the Program participant's participation to the requestor.

Statutory/Other Authority: ORS 192.860, 2005 OL, Ch. 821, SB 850

Statutes/Other Implemented: ORS 192.820-192.868, 2005 OL, Ch. 821, SB 850

AMEND: 137-079-0200

RULE SUMMARY: As the Address Confidentiality Program has grown the rules need updates and/or clarification to be in line with current protocol.

CHANGES TO RULE:

137-079-0200

Disclosure of Information Prohibited - Exceptions ¶¶

(1) ~~When the Department discloses a Program participant's actual address or telephone number pursuant to a court order issued in accordance with ORS 192.848(1)(a),~~ receives a court order signed by a judge pursuant to a finding of good cause: good cause exists when disclosure is sought for a lawful purpose that outweighs the risk of the disclosure and, in the case of a request for disclosure received from a federal, state or local law enforcement agency, district attorney or other public body, when information is provided to the court that describes the official purpose for which the actual address or telephone number of the program participant will be used, they may disclose a Program participant's actual address or telephone number. The disclosure shall include in writing the statutory mandate specified in ORS 192.848(2) against re-disclosure of the address or telephone number, except pursuant to a court order. The disclosure may also include any other terms or requirements that will best protect the safety of the Program participant.¶

(2) The Department shall keep a record of requests for disclosure of a Program participant's actual address or telephone number and of the response to each request.¶

(3) The Program will accept and retain information from Program participants and from others regarding public bodies that disclose a Program participant's actual address or telephone number in violation of ORS 192.844, ORS 192.848 and these rules.

Statutory/Other Authority: ORS 192.860

Statutes/Other Implemented: ORS 192.860 - 192.868

AMEND: 137-079-0210

RULE SUMMARY: As the Address Confidentiality Program has grown the rules need updates and/or clarification to be in line with current protocol.

CHANGES TO RULE:

137-079-0210

Service of Process: Certified and Registered Mail ¶¶

(1) Service of process by mail on a Program participant shall be forwarded in accordance with general Program procedures according to the manner in which it was received.¶¶

(2) When personal service on a Program participant is required, it may be delivered to the Department of Justice at 1162 Court Street NE, Salem, Oregon. The recipient of such service shall immediately notify, by telephone, the Administrative Coordinator of such service.¶¶

(3) The Program shall forward personally served documents to the Program participant at the participant's actual or mailing address within ~~on three (3)~~ three (3) business days of the documents being served on the Program. When documents that have been personally served are ~~forwarded~~ received by the Department, the Program Coordinator shall contact the Program participant by telephone or email on the day that the service is made and will forward the documents to the Program participant, ~~± within three days~~. The Program shall include a copy of the notice described in section 137-079-0150(2)(c) of these ~~Rules~~ rules.¶¶

(4) The Administrative Coordinator shall establish a procedure in order to assure records are kept with regard to certified and registered mail received for Program participants.

Statutory/Other Authority: ORS 192.860, 2005 OL, Ch. 821, SB 850

Statutes/Other Implemented: ORS 192.820-192.868, 2005 OL, Ch. 821, SB 850