



PERMANENT ADMINISTRATIVE ORDER

DOJ 5-2025
CHAPTER 137
DEPARTMENT OF JUSTICE

FILED

10/16/2025 1:37 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Updates to the Address Confidentiality Program including rules for health care providers applying to ACP.

EFFECTIVE DATE: 10/16/2025

AGENCY APPROVED DATE: 10/13/2025

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RULES:

137-079-0120, 137-079-0130, 137-079-0140, 137-079-0145, 137-079-0150, 137-079-0160, 137-079-0170

AMEND: 137-079-0120

RULE TITLE: Definitions

NOTICE FILED DATE: 08/27/2025

RULE SUMMARY: Updates to the Address Confidentiality Program including rules for health care providers applying to the Program.

RULE TEXT:

- (1) "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.
- (3) "Applicant" is an individual who completes and submits an application to participate in the ACP.
- (4) "Application Assistant" is an individual designated by the Department to assist applicants with the completion and submission of an application to the ACP, as further defined in ORS 192.820(3).
- (5) "Civil Rights Unit" or CRU includes the team of advocates and staff at the Oregon Department of Justice in the Crime Victim and Survivor Services Division who staff the Bias Response Hotline and/or Sanctuary Promise Hotline.
- (6) "Co-applicant" is the spouse, domestic partner, adult child of the participant, or other adult who resides in the household with the participant and submits an application to participate in the ACP.
- (7) "Department" is the Oregon Department of Justice.
- (8) "Health Care Provider" means an individual who is authorized in this state to provide physical and behavioral health care services and who provides reproductive and gender-affirming health care services, as defined in ORS 192.820(4).
- (9) "Mailing Address" is an address to which a program participant requests mail to be sent by the ACP. A mailing address may be a post office box if the participant's actual address is a street address in Oregon.
- (10) "Other forms of evidence" as described in ORS 192.826(3)(b)(D) include 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, a sexual offense, or a bias incident or bias crime within the meaning of ORS 192.820(8)-(13).

(11) "Program" is the ACP established in ORS 192.820-192.868.

(12) "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, 2005 SB 850

STATUTES/OTHER IMPLEMENTED: 2005 OL Ch 821, 2005 SB 850, ORS 192.820-192.868

AMEND: 137-079-0130

RULE TITLE: Application Assistant Certification

NOTICE FILED DATE: 08/27/2025

RULE SUMMARY: Updates to the Address Confidentiality Program including rules for health care providers applying to the Program.

RULE TEXT:

(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 serving domestic violence, sexual assault, stalking, human trafficking, and bias crime and incident victims and survivors 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 that covers domestic violence, sexual assault, human trafficking, and stalking 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 on the Program and the role of the Application Assistant;

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

(e) Such other requirements as the Department may require in order to carry out the activities enumerated in ORS 192.820 through ORS 192.865.

(3) Requirements for designation of an Application Assistant serving health care providers shall include:

(a) Current service as a Hotline Advocate in the Civil Rights Unit at the Oregon Department of Justice;

(b) Completion of training provided by the Department on the Program and the role of the Application Assistant;

(c) Signing an Application Assistant Agreement with the Department; and

(d) Such other requirements as the Department may require in order to carry out the activities enumerated in ORS 192.820 through ORS 192.865.

(4) The Application Assistant Agreement shall be for a term of two (2) years from the date of approval. The Application Assistant may apply again at the end of the term. The new Application Assistant Agreement request must be submitted to the Program within thirty (30) days of the pending 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 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 on the 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 consider a new application for designation.

STATUTORY/OTHER AUTHORITY: ORS 192.860, 2005 OL Ch 821, 2005 SB 850

STATUTES/OTHER IMPLEMENTED: 2005 OL Ch 821, 2005 SB 850, ORS 192.820-192.868

AMEND: 137-079-0140

RULE TITLE: Application Process for the Address Confidentiality Program

NOTICE FILED DATE: 08/27/2025

RULE SUMMARY: Updates to the Address Confidentiality Program including rules for health care providers applying to the Program.

RULE TEXT:

(1) The Program shall create an ACP 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 in compliance with ORS 192.826.

(2) In addition to including the requirements set forth in ORS 192.826, the ACP Application and 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 OAR 137-079-0150(3);
- (b) Specify any other rights and obligations of a Program participant pursuant to ORS 192.820-192.868;
- (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; and
- (d) Require a statement from the applicant certifying that the applicant and co-applicants' address is unknown to assailants or potential assailants and will not disclose the location to assailants or potential assailants while the applicant is a program participant.

(3) To comply with ORS 192.826(3)(b), the application for domestic violence, sexual assault, stalking, human trafficking, and bias crime and incident victims and survivors 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 has determined that they can reasonably conclude the applicant has met the criteria.

(4) 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 contact the Application Assistant and/or applicant to assist in completing the application. If the application is 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.

(5) 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 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 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 ten (10) 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, 2005 SB 850

STATUTES/OTHER IMPLEMENTED: 2005 OL Ch 821, 2005 SB 850, ORS 192.820-192.868

ADOPT: 137-079-0145

RULE TITLE: Application Process for the Address Confidentiality Program for Health Care Providers

NOTICE FILED DATE: 08/27/2025

RULE SUMMARY: Updates to the Address Confidentiality Program including rules for health care providers applying to the Program.

RULE TEXT:

- (1) The application process for ACP for health care providers includes all steps outlined in 137-079-0140 (Application Process for the Address Confidentiality Program) except for 137-079-0140(3).
- (2) The Civil Rights Unit (CRU) shall designate a phone number for health care providers to call to request to participate in the Department's Address Confidentiality Program pursuant to ORS 192.820 to ORS 192.868.
- (3) CRU will request from the applicant proof from their current employer that the applicant is authorized in this state to provide physical and behavioral health care services and provides reproductive and gender-affirming health care services. This proof can include:
 - (a) A certifying letter from an employer that states that the applicant is authorized in this state to provide physical and behavioral health care services and is currently providing reproductive and gender-affirming health care services.
 - (b) Additional evidence at the discretion of the CRU or Program.
 - (c) This documentation will be stored by the Program.
- (4) CRU will coordinate with the Program to review and respond to the application pursuant to OAR 137-079-0140 (5)-(6) and OAR 137-079-0150.

STATUTORY/OTHER AUTHORITY: ORS 192.860, 2005 OL Ch 821, 2005 SB 850

STATUTES/OTHER IMPLEMENTED: 2005 OL Ch 821, 2005 SB 850, ORS 192.820-192.868

AMEND: 137-079-0150

RULE TITLE: Certification Process for Program Participation

NOTICE FILED DATE: 08/27/2025

RULE SUMMARY: Updates to the Address Confidentiality Program including rules for health care providers applying to the Program.

RULE TEXT:

- (1) When an application received by the Program is determined to be complete, 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) Upon certification as a Program participant, the Program shall assign the Program participant a substitute address 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 assist the Program participant to fully participate in the Program 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 thirty (30) days prior to the expiration of the current certification. 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 these rules. For purposes of a renewal of certification, the evidence required to be included in the application 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 subsection three (3) of this section has expired and the Program participant has not filed an application for renewal of certification, the Program shall 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 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) 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.
- (9) Prior to a cancellation pursuant to (8)(a) of this section, the Administrative Coordinator shall notify the Program participant that the Program participant 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.

(10) 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
- (e) That the decision of the Attorney General or designee is final.

(11) When certification is cancelled by the Program pursuant to subsection (8)(a) or (8)(b) of this section, the written notice 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 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.

(12) When certification is cancelled by the Program pursuant to subsection 8(c) of this section, the written notice described in subsection 10 of this section shall state, in addition to the information specified in subsection (10)(a)–(e), 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.

(13) 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 cancelling 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.

STATUTORY/OTHER AUTHORITY: ORS 192.860, 2005 OL Ch 821, 2005 SB 850

STATUTES/OTHER IMPLEMENTED: 2005 OL Ch 821, 2005 SB 850, ORS 192.820-192.868

AMEND: 137-079-0160

RULE TITLE: Ongoing Program Participation

NOTICE FILED DATE: 08/27/2025

RULE SUMMARY: Updates to the Address Confidentiality Program including rules for health care providers applying to the Program.

RULE TEXT:

(1) The 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 request continued participation in the Program. The Administrative Coordinator shall send the Program participant the required name change form or an application to re-apply. 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 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. 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(10) and (11) 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(8)-(13) of these rules.

(4) For participants who are health care providers, it is the obligation of the participant to notify ACP if their employment status or field of work changes. Participation in ACP can continue if a new employer provides a new certifying letter that states that the participant is still authorized in this state to provide physical and behavioral health care services and is currently providing reproductive and gender-affirming health care services. Participation in ACP may otherwise continue on a case-by-case basis approved by the Program depending on the participant's safety needs and safety plan.

STATUTORY/OTHER AUTHORITY: ORS 192.860, 2005 OL Ch 821, 2005 SB 850

STATUTES/OTHER IMPLEMENTED: 2005 OL Ch 821, 2005 SB 850, ORS 192.820-192.868

AMEND: 137-079-0170

RULE TITLE: Responsibility of Public Bodies to Use Substitute Address

NOTICE FILED DATE: 08/27/2025

RULE SUMMARY: Updates to the Address Confidentiality Program including rules for health care providers applying to the Program.

RULE TEXT:

- (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 for public bodies to use the substitute address and the Program participant's responsibility with regard to requesting that public bodies use the address.
- (2) In addition to the information described in subsection one (1) of this section, the Program shall:
 - (a) Provide the Program participant with available information regarding the use of the substitute address with various public bodies and private businesses, and that participation in the Program may impact the benefits or services provided by public bodies as well as private businesses/entities; and
 - (b) Notify the Program participant that a public body may request a waiver to not use the substitute address.
- (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 will accept the information on 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