



To: DVS Funded Child Advocacy Centers, Children’s Advocacy Centers of Michigan (CACMI)

CC: DVS Staff

Date: March 25, 2024

Subject: Summary of Guidance for Implementing the Federal Confidentiality Provisions for Children’s Advocacy Centers funded by the Michigan Division of Victim Services

This white paper is intended to provide a summary of the [Guidance for Implementing the Federal Confidentiality Provisions for Children’s Advocacy Centers funded by the Michigan Division of Victim Services](#), and is especially intended for use by individuals participating in accreditation-related site reviews of Michigan child advocacy centers (CACs) to ensure compliance with national standards. The full 33-page document issued November 2020 provides CACs in Michigan funded by the Division of Victim Services (DVS) direction on how to implement the federal victim services confidentiality provisions in a way that complies with both the federal and state requirements and protects the privacy and safety of victims of child abuse, while continuing to operate within the context of a multidisciplinary team (MDT) model.

The federal victim services confidentiality provisions are a set of nearly identical laws and regulations found in the Victims’ of Crime Act (VOCA) ([28 CFR 94.115](#)), the Violence Against Women Act (VAWA)([34 USC §12291\(b\)\(2\)](#); [28 CFR 90.4\(b\)](#)), and the Family Violence Prevention and Services Act (FVPSA) ([42 USC § 10406\(c\)\(5\)](#)). ***As a condition of receiving VOCA, VAWA, and/or FVPSA funds, funded victim service programs are prohibited from disclosing, revealing, or releasing personally identifying information or individual information collected in connection with services utilized, requested, or denied unless (1) the service participant has signed a release of information, (2) a law mandates disclosure, or (3) a court has ordered disclosure.***

DVS has determined, through legal interpretation of existing federal guidance, that forensic interview services are *not* subject to VOCA/VAWA/FVPSA confidentiality requirements. However, the provisions would apply to other victim support services provided by CACs, such as victim advocacy, support groups, and therapy/counseling. This means that barring a statutory or court mandate, CACs cannot share any information about clients receiving victim support services with anyone outside of the victim services program (including MDT members) without a written, informed, and reasonably time-limited release signed by the client. **Failure to comply with these federal requirements could result in a loss of federal funding.**

DVS understands that the National Children’s Alliance (NCA) Case Review and Coordination Standard requires CACs to conduct regular case reviews with their MDT members to ensure coordination,

collaboration, and quality assurance of child abuse cases and acknowledges that this may conflict with the federal VOCA/VAWA/FVPSA confidentiality provisions in some instances. However, DVS notes that the NCA National Standards for Accreditation provides multiple references to the “legal, ethical and professional standards of practice with regard to client privacy, confidentiality, and privileged communications” that may exist for different professions on the MDT, including CAC staff (*See NCA Standard 1: Multidisciplinary Team; Essential Component G*). Further, the Standards require active participation in the case review process but acknowledge that “participation must be in accordance with legal requirements regarding confidentiality” (*See NCA Standard 4: Victim Advocacy; Essential Component E and Standard 6: Mental Health; Essential Component F*). In accordance with VOCA/VAWA/FVPSA confidentiality provisions, advocates and therapists may only share specific client information with a written release but may actively participate in case review in other ways, such as: asking informed questions and assisting in making team decisions, gathering information to share with clients, and providing general input about topics such as MDT protocols/procedures, abuse dynamics, trauma reactions, and CAC services.

In sum, DVS maintains that Michigan CACs can simultaneously comply with federal victim services confidentiality provisions *and* meet all NCA standards for accreditation. This matter has been communicated with CAC grantees continually through monitoring, technical assistance, and training since the release of the aforementioned guidance in 2020, and Michigan CACs are aware that VOCA funding is contingent upon compliance with these requirements.

For additional details, citations, and other information, please refer to the [full document](#).

Source: Guidance for Implementing the Federal Confidentiality Provisions for Children’s Advocacy Centers Funded by the Michigan Division of Victim Services. (2020)