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SUBCOMMITTEE ON HUMAN RESOURCES**

HEARING ON CHILD SUPPORT ENFORCEMENT

**Testimony of
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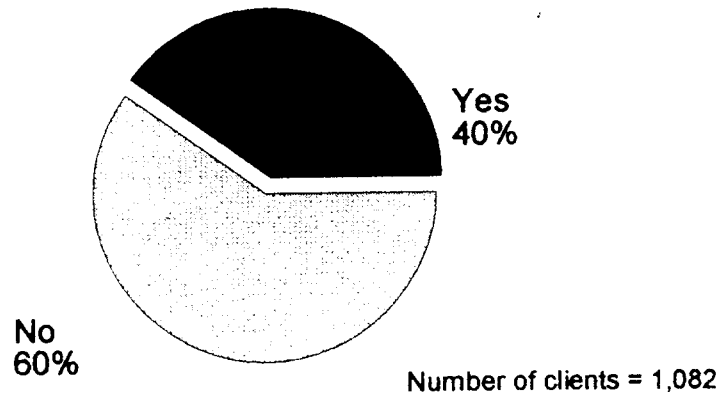
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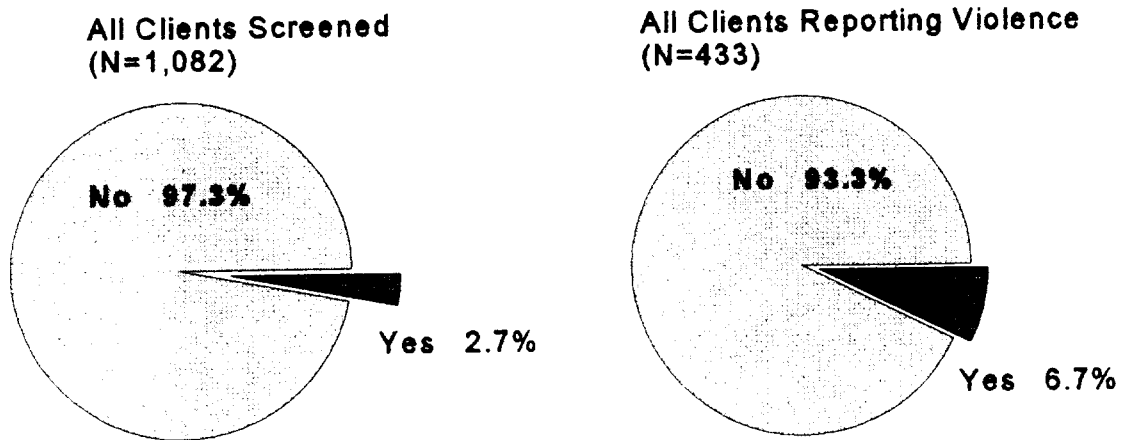
Domestic Violence Among TANF Applicants and Interest in Good Cause Exemptions From Child Support Requirements

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Denver, Colorado
May, 1998

Now, or in the past, have you been in a relationship where you were physically, emotionally, or sexually abused?



Would you be interested in applying for a good cause exemption from the child support requirements due to domestic violence?



Members of the Subcommittee. I am Jessica Pearson, Ph.D., Director of the Center for Policy Research. The Center for Policy Research is an independent, non-profit organization in Denver, Colorado engaged in research, analysis, writing and technical assistance on issues that pertain to children and families. During our 18 years of operation, we have conducted empirical studies dealing with divorce, child abuse and neglect, domestic violence, access and visitation, child support, school improvement and welfare reform. We receive funding from a variety of federal funding agencies, foundations, and state and local government agencies. Our current federal funders include the National Institute of Justice, the Centers for Disease Control, the State Justice Institute and the federal Office of Child Support Enforcement. We have published our research in many practitioner and academic journals including: *Law and Society Review*, *Judges Journal*, *Family and Conciliation Courts Review*, *Public Welfare*, *Mediation Quarterly*, *Journal of Social Issues*, *Family Law Quarterly*, *Family Advocate*, *Justice System Journal*, *Journal of Divorce, Law and Policy*, and *International Journal of Abuse and Neglect*.

During the past 18 months, my colleagues and I at the Center for Policy Research have conducted studies dealing with the impact of domestic violence on child support enforcement programs. I appreciate the opportunity to testify on this matter and wish to note that our research on this topic is available in greater detail in journal articles that appear (or will soon appear) in the Winter 1997 issue of *Public Welfare* and the February 1999 issue of *Violence Against Women*.

In my testimony, I will present empirical evidence showing that many applicants for public assistance disclose that they have experienced domestic violence, typically by the father of at least one of their children. I will also present evidence showing that the vast majority of these victims say that they are not interested in pursuing a waiver from the child support requirements and that they are interested in obtaining child support. I will present evidence showing that the small fraction of victims interested in pursuing a good cause exemption due to domestic violence is frequently unable to provide the documents needed to support an application. The research demonstrates that states should be sensitive to these victims and their difficulties in procuring official records to substantiate a claim of abuse. Based on my research, I conclude that the 1996 welfare reform legislation gives the States the flexibility to address the needs of victims of domestic violence and that Congress should continue to urge States to pursue the objectives of self-sufficiency and safety for all low income families, including those that have experienced domestic violence. I also recommend that Congress withhold taking any additional action in this area until several empirical studies on domestic violence and child support currently being conducted in the States of Massachusetts, Minnesota, New York, Illinois and Missouri are concluded.

The Debate About Domestic Violence and Welfare Reform

One of the most controversial aspects of PRWORA is its impact on victims of domestic violence. While architects of the new law contend that its aggressive approach to self sufficiency (including child support establishment and enforcement) will better enable victims to leave abusive relationships, advocates for victims of domestic violence fear that the new policies will increase the threat of harm that these women and their children experience. The debate extends to the time limits and work requirements of PRWORA, as well as the child support requirements. Some advocates feel that paternity and child support actions have the potential to renew violence because they alert the abuser to the victim's location, precipitate physical contact between the abuser and the victim in the courtroom, stimulate desires for custody and visitation that could lead to regular and dangerous contact, and/or arouse the ire of abusers who may well be subject to automatic wage withholding, driver's license suspension, asset liens and many other enforcement remedies.

Recognizing the possibility that some women may be harmed by the requirements of PRWORA, Congress gave the states the option of screening women for domestic violence and providing temporary waivers and modifications of the state plan such as time limits and work requirements. Currently, 28 states have adopted the Wellstone/Murray Family Violence Amendment to PRWORA which gives the state the right to waive any federal or state requirements that make it more difficult for women to escape situations of domestic violence or that unfairly penalize a parent or child who has been a victim of domestic violence. An additional 18 states have included violence programs and services in their state welfare plan.

PRWORA makes several changes to the process of gaining "good cause" exemptions to the child support requirements for reasons of domestic violence: it allows the child support agency to determine what constitutes cooperation, and allows each state to determine which agency defines what constitutes "good cause" for not having to cooperate with child support enforcement. The stakes are high for both individuals and states. Individuals who do not cooperate with paternity establishment and child support enforcement and do not have "good cause" for failing to cooperate face the loss of 25-100 percent of their public assistance grant. States that fail to deduct the amount of the penalty for noncooperation face a 5 percent reduction in their block grant from the federal government.

The Incidence of Domestic Violence and Good Cause Requests Among Public Assistance Applicants

There is little doubt that many low-income women suffer from domestic violence. According to a 1996 Bureau of Justice Statistics report, women living in households with annual incomes below \$10,000 are four times more likely to be violently attacked, usually by intimates. Some writers place the frequency of domestic violence at between 50 and 80 percent of women receiving AFDC.

Despite these high rates of domestic violence, only a tiny fraction of public assistance applicants have historically applied for exemptions to child support cooperation requirements for reasons of domestic violence. In 1993, there were five million AFDC eligibility determinations in the United States reported to the Department of Health and Human Services. Only 6,585 custodial parents claimed good cause for refusing to cooperate in establishing paternity and child support. In 4,230 cases, these claims were determined to be valid. This translates into a request rate of 0.13 percent and an award rate of 0.085 percent.

The discrepancy between the incidence of domestic violence and the incidence of good cause requests and waivers has provoked a good deal of debate between domestic violence professionals and administrators of public welfare and child support programs. Many welfare and child support agency administrators contend that domestic violence is not a common reason for noncooperation. Although they acknowledge that domestic violence is a factor for many women, they feel that pursuing child support poses little risk to victims of violence, and contend that few victims want or need a waiver from cooperation with paternity establishment and/or child support enforcement.

Domestic violence and welfare advocates, on the other hand, tend to view child support enforcement as posing a serious risk to victims of domestic violence. They argue that the low rate of good cause requests and waivers is due to the lack of information about the option and the documentation required to obtain it.

The first empirical study on the topic of domestic violence and child support policies was a qualitative investigation we conducted in Denver, Colorado in the fall of 1996. Based on in-depth interviews with 20 victims of domestic violence and a review of 69 applications for good cause filed with the Denver Department of Social Services, we found support for the views expressed by both the administrators of child support agencies and the advocates for victims of domestic violence. Some of the victims we interviewed said that they had been apprised of the good cause option but wanted child support and did not believe that the pursuit of child support would expose them and their children to further harm. Other victims were fearful that the pursuit of child support would trigger new violence or kidnaping. Still other victims we interviewed had no recollection of being told about good cause and little understanding of the option and/or the application process. The experience of victims with the good cause process also varied, with some reporting having received little or no information about it, and others reporting problems meeting corroboration and documentation requirements.

Based on that study, we recommended several ways for social service agencies to pursue both safety and self-sufficiency. The recommendations included: identifying domestic violence problems among applicants for public assistance; training public assistance and child support workers about the problem of domestic violence; creating a climate conducive to disclosure in child support and public assistance agencies; referring clients to specially trained staff who can discuss child support and safety; preparing and distributing simple written materials on good cause exemptions; making sure that child support activity stops while a good cause application is pending or approved;

controlling the release of address information for cooperating victims on agency and court documents; helping good cause applicants obtain documentation; accepting individual and/or witness statements if official records are unavailable; and collaborating with local domestic violence professionals for staff training, client referral and assistance with documentation. For more information, see "Child Support Policies and Domestic Violence" by Jessica Pearson and Esther Ann Griswold in *Public Welfare*, Winter 1997.

While this research provided some useful insights for advocates and child support professionals, it failed to answer a number of important questions: How many applicants for public assistance are victims of domestic violence? How many want a so-called "good cause" exemption to the child support requirements? Why? Why not? What happens when they apply? We addressed these questions in a second investigation.

The Method We Used to Generate Reliable Information on Rates of Domestic Violence and Requests for Good Cause.

We conducted our second investigation in four Department of Social Services agencies (DSS) located in three Colorado counties: Denver, Mesa, and Archuleta. These are large, medium, and small counties in urban and rural settings.

During April-December 1997, intake workers in the public assistance and child support divisions of these DSS offices questioned all applicants for public assistance about their current or past domestic violence experiences. Applicants were told that responding to the questions was voluntary, but that they might be granted an exemption from some of the requirements for getting public assistance if the Department determined that pursuing child support might put the applicant or her family at risk of harm. Abuse was defined behaviorally and six examples were given. Those who disclosed that they had experienced abuse were asked whether the abuser was the father of any of their children. And those who disclosed abuse by a past partner who was the father of at least some of their children were referred to a child support technician for information about the good cause option and more data collection about their abuse experiences.

The interview conducted by the child support worker elicited more information on the severity and scope of the abuse the applicant had experienced, whether or not she was interested in applying for good cause, the reasons for her interest or lack of interest in good cause, and her ability to produce various types of documents and records to support her claim of domestic violence.

All self-sufficiency intake and child support workers in the participating counties attended a half-day training program on domestic violence conducted by local domestic violence professionals. Every training program involved an introduction to the dynamics of domestic violence, its prevalence and the forms it takes. A survivor of domestic violence talked about her experiences and answered questions. Local service providers made brief presentations on the assistance available to victims including safety planning, housing and shelter, obtaining restraining orders, and other legal interventions and counseling. Finally, self-sufficiency and child support workers were given a stack of printed business cards listing a few key resources for victims in each community in the study and were instructed to distribute the cards to all applicants who disclosed.

Copies of all completed screening forms and good cause questionnaires were sent to the Center for Policy Research for data entry and analysis. In this analysis, we focus on the 1,082 female applicants for public assistance for whom a screening form was completed.

Many Applicants for Public Assistance Experience Domestic Violence

As in previous studies of women on welfare, our screening effort reveals that domestic violence is extremely common. Across the four office sites, 40 percent of applicants disclosed current or past abuse. Most of the abuse reported by the women only involved former partners (74%). About 24 percent said they had been abused by both a current and former partner. Two percent disclosed abuse by only a current partner (see Figure 1). Nearly three-quarters (73%) reported that their abusers were the fathers of one or more of their children. Nearly half (48%) of victims reported that they were afraid of the father of their children (see Figure 2).

Child support technicians explained the good cause process and completed a good cause questionnaire with 305 women who disclosed domestic violence by a former partner who was the father of at least one of her children. Victims were asked more detailed questions about the level and severity of the abuse they had experienced. Nearly all the women (81%) reported being hit or beat up, with half characterizing the frequency as “more than a few times,” (24%) or “often” (35%). Half also placed the last beating within the past two years with 21 percent saying it had happened less than 6 months ago, 14 percent between 6-12 months and 17 percent between 1-2 years ago (see Figure 3). Substantial proportions of women reported experiencing many other types of serious abuse: threats to harm or kill her (69%), threats to take (38%) or harm (16%) the children; following her when she tried to leave (57%); and threatening her with a weapon (34%). Although we did not focus on the impact of domestic violence on the work requirements in the new welfare reform law, it is relevant that 44 percent of the victims reported that their abusive ex-partner had prevented her from working and 58 percent reported that he had isolated her or the children. While most victims reported that they had called the police in response to the abuse they experienced, a far smaller proportion (45%) obtained a restraining order and only 27 percent said that the batterer had violated a restraining order.

After explaining that domestic violence victims had the option of applying for a temporary exemption to the child support requirements if there was a threat of harm, child support technicians asked each interviewed victim whether she was interested in applying for it. Across the four DSS offices, 6.7 percent of interviewed victims said they would be interested in applying while 93.3 percent declined. Looked at somewhat differently, 2.7 percent of all applicants for public assistance studied in this project expressed an interest in applying for good cause (see Figure 4). Asked why they were uninterested, nearly all of those who declined to apply for good cause (93%) strongly agreed with the statement, “I want child support.” Other common reasons given by about half of the women who rejected the good cause option were: “The absent parent knows where I live,” “The abuse happened long ago, there’s no current danger,” and “I already have a child support order for him.” A quarter of the victims strongly agreed that they faced a dangerous situation but felt that it would not be exacerbated by the pursuit of child support. A quarter said that while they preferred not to deal with their abusive ex-partner, it was not a dangerous situation (see Figure 5).

Some Women do Fear That They Will Experience Harm if Child Support is Pursued

Of the 1,082 women we interviewed, 2.7 percent, or 29 victims of domestic violence said they were interested in applying for good cause. These women believed that the abusive parent wanted to harm them (62%), and/or take (55%) or harm (34%) the children. Although about half of these women (52%) said that they wanted child support, higher proportions maintained that the abusive parent would visit if she pursued child support (65%) and/or that the batterer was dangerous and that child support would make their situation worse (76%). More than a third (38%) of victims interested in good cause said that the abusive parent did not know where she lived. Most (76%) said that he did not visit the children. A small proportion (10-14%) had applied for good cause elsewhere or been given it. To avoid an abusive partner, many of the victims interested in good cause reported that they had changed residences (72%), moved out-of-state (55%), and/or stayed at a shelter for battered women (34%).

Eight factors help predict whether an abused applicant for public assistance expresses interest in applying for good cause. The best predictor is whether the abusive parent threatened to harm the children. This is followed by whether he threatened to harm her, tried to isolate her, hit or beat her up, monitored her telephone calls, prevented her from working, abused her within the past six months, and whether she called the police. Taken together, these seven factors correctly classify 72 percent of the all the cases in our sample (66% of those who want good cause and 73% of those who do not).

Victims Who Apply for Good Cause May Have Trouble Producing Official Records Needed to Document a Threat of Harm

One third of those who applied for good cause were successful in obtaining it. Two thirds had their applications denied. Of the eight women granted a good cause exemption, four provided police reports to verify their claims, two relied solely on letters from friends and family (as well as their

own affidavits), one woman provided a copy of her restraining order, and one relied on her own statement with a supporting letter from her JOBS case manager (see Figure 6).

The 16 women with unsuccessful good cause applications either were denied or withdrew when they failed to provide any supporting documentation or failed to show up for further appointments. During the initial interview and screening, only three of these women indicated that they would not be able to provide supporting documents (other than her own affidavit).

These patterns confirm our earlier findings based on a review of 129 applications for good cause filed in the Denver DSS during March 1996-October 1997. Only 33 percent were approved. The rest were either denied because no documentary evidence was provided (28%), because the evidence was deemed to be insufficient (31%), or because the applicant withdrew her request (8%). The best predictor of a good cause award was the number of documents provided with those most apt to be approved including at least two types of documents. However, there is a fair amount of subjectivity in what an agency considers to be adequate documentation.

Conclusion

This project is the first to generate systematic empirical information on the experiences of domestic violence victims who apply for public assistance and their interest in obtaining a waiver from the child support and paternity requirements for reasons of safety. As in past studies of welfare populations, our research reveals that the incidence of domestic violence is high.

The fact that a quarter of the victims identified in our screening effort report current and past involvement in abusive relationships suggest that public assistance and child support agencies may be logical places to house domestic violence services and/or make referrals to community resources. It is relevant to note that as a result of the screening effort in Denver, DSS has agreed to contract with local agencies to provide support services for domestic violence victims at the agency. Other types of collaborations between domestic violence professionals and public assistance agencies also make sense, particularly those dealing with training and staff development. One example is a joint training project in Massachusetts where advocates receive training on welfare reform while TANF and child support workers are trained on the dynamics of domestic violence. Research is currently underway to gauge the effectiveness of these types of collaborations and to determine the extent to which victims use services that are offered at the welfare agency.

Our research confirms that the overwhelming majority of victims of domestic violence want child support. They do not perceive child support as presenting a threat of harm; they ask for no accommodation to child support practice and procedure. In these cases, the objective should be to make child support agencies even more aggressive and effective. Victims are resilient and share many of the qualities, needs and aspirations of their non-abused counterparts, including the desire for school, work, and child support.

A small proportion of victims, however, feel otherwise. In our study, 2.7 percent of public assistance applicants said they were interested in applying for good cause; among domestic violence victims, 6.7 percent expressed interest. These are low levels that should be comforting to child support administrators who fear that attention to domestic violence might erode their agency's collection levels. Of course, these rates are considerably higher than the national request rate of 0.13 percent for all public assistance applicants reported in 1993. It remains to be seen whether our incidence levels are replicated in research on domestic violence and interest in good cause that is currently being conducted in several states with the support of the federal Office of Child Support Enforcement.

Based on our preliminary analysis, the best predictor of interest in good cause is whether the abuser threatened to harm the children. The other significant predictors include threats to harm her, hitting and beating, monitoring her telephone calls, preventing her from working, abuse within the past six months and whether she had called the police. This information should help workers in child support and public assistance agencies better determine which clients are suitable candidates for good cause awards and be more supportive of their efforts to protect themselves and their children.

For these reasons, it is disturbing that only a third of the victims who express an interest in applying for good cause receive it. Most either fail to complete the application process or are denied good cause because they lack documentation deemed to be adequate to support their claim. Those who are awarded good cause generally support their claim of abuse with several types of official records.

Agencies should examine their application procedures and documentation requirements and determine whether they are reasonable and safe. How realistic is it for low-income and poorly educated women to obtain two or three medical, police, or court records to support a successful application? Another problem is that relatively few victims report having temporary restraining orders and only a slim minority report violations of restraining orders. If these are agency standards for corroborating claims of serious abuse, they will clearly be unattainable for many victims interested in good cause. Finally, many states do not accept sworn statements by victims as suitable documentation. Hopefully, if other researchers reach similar conclusions about the low level of interest in good cause and the difficulties applicants experience when they try to obtain it, agencies may be persuaded to relax some of their documentation requirements and permit consideration of sworn statements by victims, relatives, neighbors and friends. Agencies should also explore the feasibility of having local domestic violence professionals conduct assessments of dangerousness for applicants who lack official documents and prepare letters to support exemption requests.

For those victims interested in pursuing child support, but concerned about safety issues, agencies should be encouraged to explore ways to provide child support interventions that offer victims of domestic violence heightened confidentiality. One example of a state-funded program that offers victims of domestic violence heightened confidentiality through the use of a substitute address is Washington State's Address Confidentiality Program (see Appendix A for a description of this program).

Finally, before making any changes to current requirements, Congress, public assistance, child support, and domestic violence agencies should await the results of research currently underway in the states of Massachusetts, Minnesota, New York, and Missouri on the topic of domestic violence, cooperation, and child support policies.

Thank you very much for inviting me to testify.

Figure 1

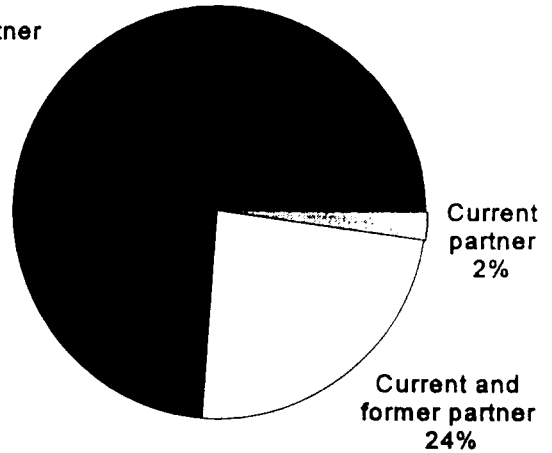
Now or in the past have you been in a relationship where you were physically, emotionally, or sexually abused?



Yes
40%



Were you abused by a current partner, former partner or both?



Former Partner
74%

Current partner
2%

Current and former partner
24%

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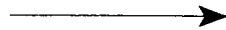
Figure 2

Are any of these men the father of any of your children?



Yes 73%

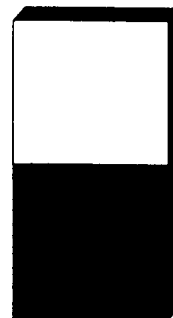
No 27%



Are you afraid of him?

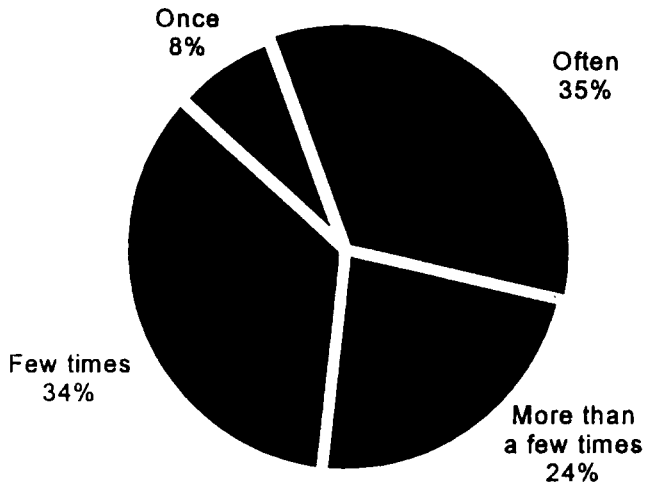
Yes 48%

No 52%



If he did hit or beat you up, how often did it happen?

Figure 3



When was the last time it happened?

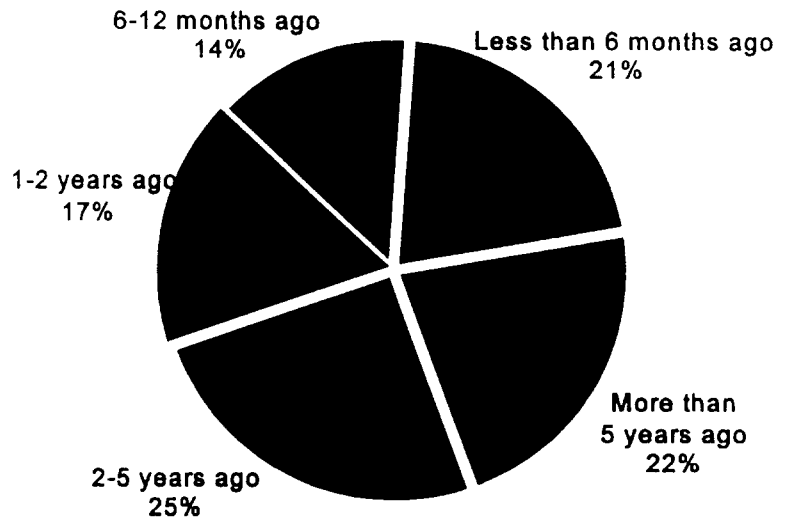


Figure 4

Would you be interested in applying for a good cause exemption from the child support requirements due to domestic violence?

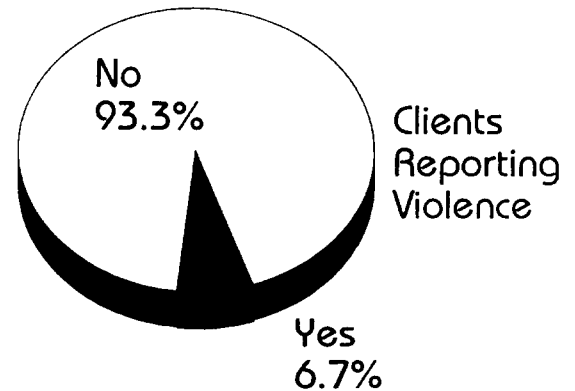
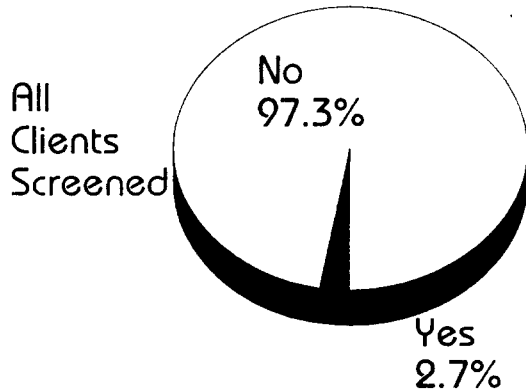


Figure 5

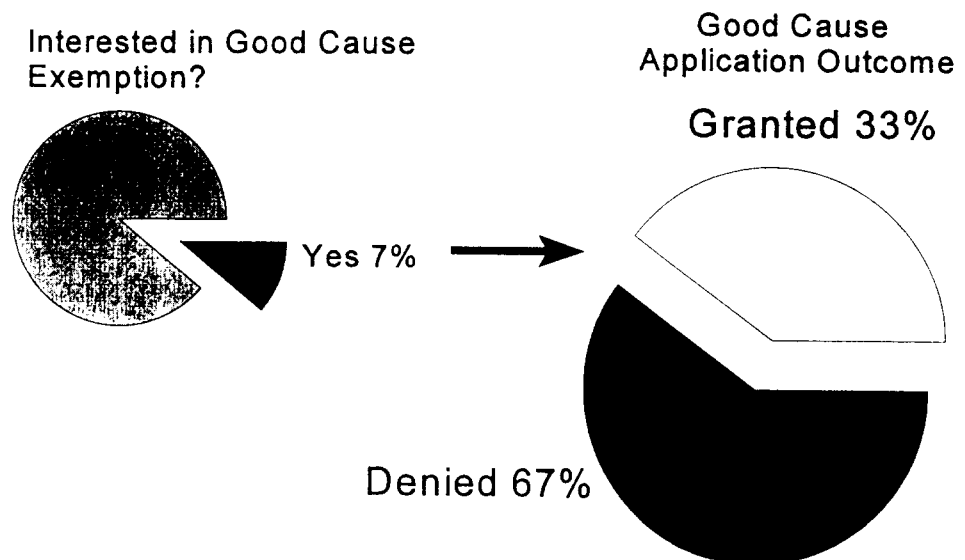
Among those not interested in a good cause exemption, percent who say:

	Very True	Somewhat True	Not True
I am afraid of the absent parent	22%	31%	47%
I want child support	93%	4%	3%
I already have a child support order for him	44%	6%	50%
He already knows where I live	48%	18%	35%
I can't document the abuse	30%	14%	56%
There is danger, but child support won't make it worse	26%	31%	43%
I don't want to deal with him, but there is no danger now	29%	22%	50%
It happened a long time ago, there's no danger now	39%	25%	37%
No one would believe me	2%	10%	88%

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Figure 6

What Happens to Those Who Apply for a Good Cause Exemption to Child Support Requirements?



Appendix A

ACP SUMMARY

The Address Confidentiality Program (ACP) provides services to residents of Washington State. It began in 1991 and is administered by the Office of the Secretary of State. Laws governing the ACP are found in Chapter 40.24 RCW. Rules for the program's operation are in Chapter 434-840 WAC.

The ACP goal is to help domestic violence victims keep their relocation secret. Victims who have permanently left an abusive situation may apply. The former victim's new location must be unknown to the offender.

The ACP offers two service components. Each helps keep the victim's new location secret in a different way. One part allows use of a substitute mailing address. Through use of this address, participants receive cost-free security mail forwarding. The Secretary of State serves as each client's legal agent for receipt of mail and service of process. Another part of the program prevents public access to information about ACP clients in certain government records.

THE ACP SUBSTITUTE ADDRESS

Each ACP participant is assigned a substitute address. The ACP substitute address has no relation to a participant's actual location. Many program clients may be assigned the same substitute address. The ACP address includes a street address, an ACP identification code, a post office box, city (in Washington) and zip code. ACP participant mail must be addressed and delivered to the post office box. Mail cannot be received at the ACP street address.

Clients who use the substitute address have first-class mail forwarded to their actual location. The ACP does not handle packages regardless of size or type of mailing. Though there may be some time loss in transit of mail, participants have increased security by keeping their actual location confidential from mail senders.

The fact that an individual is participating in the ACP, as well as the substitute address assigned to them, are not confidential information. However, a program participant's actual location is confidential. Using the substitute address helps to keep a participant's real location secret.

Program participants are given ACP identification cards. The cards are plastic laminated and similar to a drivers' license. An ACP identification card includes a participant's name, signature, birth date, ACP code number, and ACP substitute address. Program participants may use the ACP address when creating records with state and local agencies. For example, the substitute address may be used by an ACP client in applying for a drivers' license instead of revealing the client's actual residential location.

Program participants choose when to use the substitute address. They decide when and to whom they will reveal their actual address, keep their location secret, and make use of their ACP substitute address. When an ACP participant chooses to reveal actual address information to an agency, the agency is not legally obligated to keep that information confidential. There is one exception and that exception comprises the second service component of the ACP: ACP Protected Records. ACP Protected records involve marriage and voting documents and are discussed later in this summary.

State and local agencies must accept the ACP substitute address as though it is a citizen's actual residential address when an ACP client presents his/her identification card. In unusual situations, an agency may get a substitute address use exemption. This exemption determination must be made by the Secretary of State. If an agency is granted an ACP exemption, ACP participants who are involved with that agency may be required to reveal their actual location. As of 1995, exemptions

had been granted to criminal justice system agencies involved with the community supervision of released offenders and the registration of sexual predators.

Courts of law may demand actual address information from ACP participants. Federal agencies and private business may help ACP clients by allowing them to use their substitute address. They may do this, although there is no legal obligation for them to do so. Many agencies and businesses use the CAP substitute address and adjust their records on ACP participants without difficulty.

Address information in state and local government records is the only data affected by the implementation of Chapter 40.24 RCW. Telephone numbers, account codes, property legal descriptions, and the location of site-specific services are examples of the kinds of personal information that can be found in government and business records. These kinds of information can be used to locate people.

Some government services or benefits depend on where a person lives. The ACP attempts to help its clients meet the requirements for these services and benefits. The ACP will confirm a participant's regional location without disclosing an actual address. The ACP works with state and local agencies to develop ways to meet client needs without releasing actual address information.

ACP PROTECTED RECORDS

A second component of ACP participant services involves voting and marriage records. The ACP Protected Records program provides complete confidentiality for these two kinds of government records. An ACP participant must specifically request ACP Protected Records services from county government officials.

ACP participants who request this service receive security record handling from their county auditor's office, the Department of Health and the Office of the Secretary of State. In each of these agencies, only officially-authorized personnel are allowed access to the participant's records. The identity of ACP participants with ACP protected Records is maintained in secret.

APPLYING FOR ACP PARTICIPATION

The ACP serves residents of Washington State. An applicant must be a victim of domestic violence who has permanently and confidentially moved away from his/her abuser. Adults and children can participate in the program. There is no application or participation fee.

Applications are completed in person at a community-based victims assistance program. ACP staff will make a referral to a local program that provides ACP application assistance. There are programs accessible throughout the state. The application process involves meeting with a victims' assistance counselor and receiving orientation information about the program. Completed application documents are forwarded to the ACP office in Olympia.

The ACP office reviews applications and certifies participants. Each participant is assigned an ACP substitute address and issued an ACP identification card.

If you have questions about the ACP, please call our toll-free number: 1-800-822-1065. You may direct written questions or requests for more information to: Address Confidentiality Program, P.O. Box 56, Olympia, WA 98507-0069.

For information about other services available for victims of domestic violence, please call the statewide domestic violence hotline: 1-800-562-6025.