



**Michael G. Adams**



**Safe at Home**



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- When sworn into office in January 2020, staff reviewed existing programs.
- The “Address Confidentiality Program” immediately caught our attention (established 2013).
- Assistant Secretary of State had experience with the Program while working with the State Board of Elections and knew it was lacking safeguards found in other jurisdictions.

- Key observations:

- The Program did not protect the Participant’s address from anything other than the Voter Registration System
- To qualify, the applicant must have an active Protective Order
- There were no provisions for mail forwarding





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# **PARTICIPATION IN ADDRESS CONFIDENTIALITY**

**Under the 2013 enacted legislation, Kentucky had  
less than 20 participants.**





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# Kentucky Domestic Violence Statistics

- Kentucky has the second highest rate of domestic violence in the nation.<sup>1</sup>
- Motivated abusers and stalker can easily access public government records.
- Over 45% of Kentucky women say they've experienced physical violence or rape by a domestic partner in their lifetime.<sup>2</sup>

Research at the University of Kentucky shows protective orders can be an effective deterrent to perpetrators of domestic violence, but not always. Further, many barriers exist in obtaining a protective order, such that **ONLY** about 17 percent of female and 3 percent of male victims of domestic violence are ultimately granted one.<sup>3</sup>

<sup>1</sup> World Population Review, Domestic Violence by State 2023.

<sup>2</sup> National Center for Injury Prevention and Control (2019). The national intimate partner and sexual violence survey: 2010-2012 State Report. Centers for Disease Control and Prevention. Retrieved from <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>.

<sup>3</sup> Logan, TK; *Civil Protective Order Effectiveness: Justice or Just a Piece of Paper*; University of Kentucky, 2010  
U.S. Department of Justice – National Violence Against Woman Survey





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# Safe At Home - Kentucky

- The legislation's sponsor, Senator Julie Raque Adams, and the entire General Assembly agreed the previous version was not sufficient to protect victims of domestic violence.
- Safe at Home Act (SB 79) passed the General Assembly UNANIMOUSLY.
- Signed by the Governor

## Key Partners:

- Legislators
- Victim Advocates
- Domestic Violence Organizations
- Other jurisdictions where it had already been enacted



## **SAFE AT HOME KENTUCKY ACT of 2023**

*The victim... had to move four times after a stalker repeatedly used her public records to obtain her new address and phone number. <sup>1</sup>*

### The Problem

- Kentucky has the highest rate of domestic violence among the 50 states. 45.3% of women and 35.5% of men in Kentucky have experienced domestic violence.<sup>2</sup>
- Motivated abusers and stalkers can easily access public government records either directly or through various web sites, often without charge, to find victims' new addresses and contact information – spoiling attempts to hide from abuse.
- 38 states have programs to provide alternate "masking" addresses for public records to help protect victims of abuse and stalking. Kentucky is not considered one of those states by experts, because though a program does exist here, it is too limited in scope and access.
- Kentucky's current program, the Address Confidentiality Program (ACP), is only available to persons with a protective order (PO) and only then applies to voting records.
  - A victim's new address would be made known to an abuser in the process of obtaining a protective order – mooted the need to participate in ACP.
  - Even if accepted into ACP and their address "masked" on voting rolls, a victim's addresses would still be accessible through other state and local public records.

### Safe at Home Kentucky Act of 2023

#### **The Safe at Home Kentucky Act of 2023 makes critical reforms to protect victims of domestic violence, stalking, and human trafficking.**

- Allows victims and dependents to participate in the Safe at Home program through a sworn statement (under penalty of perjury) instead of a protective order. This is consistent with similar programs in other states.
  - Research done at the University of Kentucky shows protective orders can be an effective deterrent to perpetrators of domestic violence, but not always.<sup>3</sup> Further, many barriers exist in obtaining a protective order, such that only about 17 percent of female and 3 percent of male victims of domestic violence are ultimately granted one.<sup>4</sup> Though more common with stalking, protective orders are still only granted in slightly more than 1/3<sup>rd</sup> of cases.
- Provides that if a person is accepted into the Safe at Home Program, government agencies of the Commonwealth of Kentucky or subject to its jurisdiction shall, upon request, accept and use the Safe at Home address in place of the participant's actual physical address – with certain exceptions.
- Creates reciprocity with other states. Many people from other states choose Kentucky as a second home to do business, go to school, or literally for a second residence. If another state has already deemed someone to need address confidentiality to flee domestic abuse, stalking, and human trafficking then Kentucky should honor that determination; and in so doing will encourage other states to do the same.

**Persons interested in learning more about the SAFE AT HOME KENTUCKY ACT of 2023 should contact Greg McNeill in the Secretary or State's Office at [Gregory.McNeill@KY.gov](mailto:Gregory.McNeill@KY.gov)**

<sup>1</sup> <https://www.cleveland.com/news/local-news/2022/07/stalker-use-voter-registration-to-track-down-address-of-4bb-4tdm>

<sup>2</sup> <https://www.uk.gov.uk/files/representations/yd876205/StateReportBook.pdf>

<sup>3</sup> Linger, T.J. Civil Protective Order Effectiveness: Justice or Just a Piece of Paper? University of Kentucky, 2010

<sup>4</sup> U.S. Department of Justice – National Violence Against Women Survey



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# Safe At Home - Kentucky

## Participants and Duration

### Participants

- Victims of domestic violence, stalking, or human trafficking
  - Self
  - Minors or incapacitated persons under guardianship
  - Persons residing in the home of someone qualified under Safe at Home
  - Someone who is a participant in a similar program of another state
  - AND, enrolled in the program with the SOS office

### Duration

- 4-years
- Unlimited renewal – as long as needed
- Terminates if address changes and SOS is not timely notified
- Agencies should assume participant is still enrolled unless notified otherwise







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# Safe At Home - Kentucky

## Key Changes

- An agency may not require the program participant to submit any new address that could be used to physically locate the participant
- When creating a new public record, state and local agencies shall accept the address designated by the Secretary of State as a program participant's substitute address.
- If an agency has been notified in writing that a person is now a Safe at Home participant, then such agency, shall not knowingly disclose the program participant's information

### Existing files with an agency:

- Agencies shall change any existing records to reflect the new address
- **EXEMPTION:** paper records more than 5 years old or archived records







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**NO DISCLOSURE BY PUBLIC RECORD, OR TO AN INDIVIDUAL, GROUP, ORGANIZATION OR OTHER GOVERNMENT AGENCY SEEKING SUCH INFORMATION.**



# Safe At Home - Kentucky



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- Known but Not Public
- Known and Public

## Exemptions

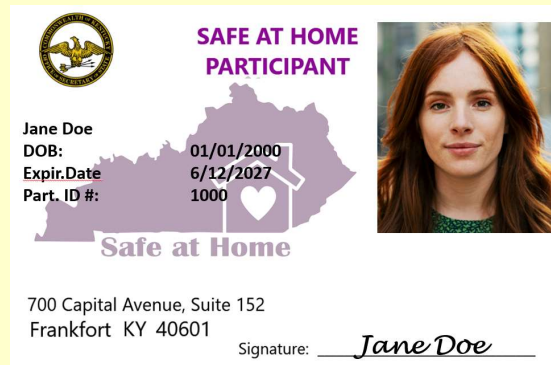




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# Safe At Home - Kentucky

- Someone Presents an agent of your agency with this card.



- You determine if you have a bona fide need exemption, and if so, is it “Known but Not Public” or “Known and Public.”

- If not exempt, you record their address as:

(Name)

C/O Safe at Home

Office of the Secretary of State

700 Capital Avenue, Suite 152

Frankfort, KY 40601





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# Comparison



## Pre-2023

- Applied to only those with protective order
- Only masked the voter registration address
- 2-year certification

## 2023 Legislation

- Applies to all victims of domestic violence; human trafficking, stalking, sexual assault, rape & other sexual crimes
- Secretary of State acts as agent of service & mail
- 4-year certification
- Certification of Application Assistants
- Applies to all state and local agencies
- Provides for certification of out-of-state participants
- Masks the address for all state and local agencies



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## **Safe At Home - Kentucky**

# **QUESTIONS?**

