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AMENDED IN SENATE JUNE 20, 2012
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AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1852

Introduced by Assembly Member Campos
(Coauthors: Assembly Members Alejo, Allen, Ammiano,
Blumenfield, Hill, Ma, Mitchell, Williams, and Yamada)
(Coauthor: Senator Evans)

February 22, 2012

An act to add Section 103627.8 to the Health and Safety Code, and to *amend Sections 18966, 18968, and 18969 of, and to add Section 18309.10 to, the Welfare and Institutions Code, relating to domestic violence.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1852, as amended, Campos. Vital records: fees: domestic violence.

Existing law requires the collection of fees for providing certified copies of vital records, including marriage certificates, birth certificates, fetal death records, and death records. Existing law provides for the establishment of county domestic violence program special funds for the purpose of funding local domestic violence programs. Certain fees payable at the time a certified copy of any of the above-referenced vital records is issued may be collected by the county clerks for deposit into these funds. Additionally, existing law authorizes certain counties, upon

making certain findings and declarations, to authorize an increase in fees for certified copies of certain vital records, as specified. Existing law requires the revenue from the fee increase to be allocated for purposes relating to domestic violence prevention, intervention, and prosecution.

Existing law authorizes a county board of supervisors to designate a local voluntary commission, whose duties primarily relate to services for children or human services, and requires the county board of supervisors, if the local voluntary commission is designated, to establish a county children’s trust fund. Existing law establishes the State Children’s Trust Fund, of which money may be allocated, upon appropriation by the Legislature, to the State Department of Social Services for the purpose of funding child abuse and neglect prevention and intervention programs.

This bill would authorize a county board of supervisors and certain city councils, upon making findings and declarations regarding the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence and child abuse, to authorize an increase in the fees for certified copies of certain vital records up to a maximum of \$5 per license or record and to annually adjust that amount for inflation, as specified. This bill would require the fees to be allocated, as specified, by the county or city for purposes relating to the prevention and intervention of domestic violence and child abuse. *This bill would require proceeds from the fee increase from birth certificates to be deposited into the county children’s trust fund or the State Children’s Trust Fund, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Domestic violence is costly, both in human and
- 4 organizational terms. The results of domestic violence have many
- 5 “hidden” costs, including job turnover, loss of productivity, school
- 6 absenteeism, and low school performance, in addition to the high
- 7 cost of law enforcement, civil and criminal justice, health services,
- 8 mental health services, substance abuse treatment, human services,
- 9 and community-based services.

1 (b) Domestic violence affects people of all economic and
2 education levels, age groups, ethnic groups, and other social and
3 community characteristics. Domestic violence is characterized by
4 a predictable, escalating cycle that can result in the injury or death
5 of victims, including children.

6 (c) Domestic violence puts children at risk. According to the
7 National Woman Abuse Prevention Project in Washington, D.C.,
8 children in homes where domestic violence occurs are physically
9 abused or seriously neglected at a rate significantly higher than
10 the national average in the general population.

11 (d) Child abuse and neglect have lifelong impacts on affected
12 children and society. Child abuse and neglect hinder brain
13 development in, and cause behavioral and emotional challenges
14 for, affected children. Studies have also shown that individuals
15 with adverse childhood experiences may demonstrate higher rates
16 of health problems, including obesity, alcoholism, depression,
17 cancer, and heart disease, as adults.

18 (e) Domestic violence is learned and generational. Studies show
19 that boys who witness family violence are more likely to batter
20 their female partners as adults than boys raised in nonviolent
21 homes. Girls who witness their mothers' abuse have higher rates
22 of being battered as adults.

23 (f) Family violence encompasses all types of violent crime
24 committed by an offender who is related to the victim either
25 biologically or legally through marriage or adoption.

26 (g) Domestic violence, child abuse and neglect, and family
27 violence require a multifaceted intervention that engages civil,
28 criminal, health, and social service sectors working together to
29 align objectives, protocols, policies, and activities of each sector.

30 SEC. 2. Section 103627.8 is added to the Health and Safety
31 Code, to read:

32 103627.8. (a) (1) A county board of supervisors, upon making
33 findings and declarations supporting the need for governmental
34 oversight and coordination of the multiple agencies dealing with
35 domestic violence and child abuse, may authorize an increase in
36 the fees for certified copies of marriage certificates, birth
37 certificates, fetal death records, and death records, up to a
38 maximum increase of five dollars (\$5).

39 (2) A city council of a city with a local registrar, upon making
40 findings and declarations supporting the need for governmental

1 oversight and coordination of the multiple agencies dealing with
 2 domestic violence and child abuse, may authorize an increase in
 3 the fees for certified copies of birth certificates, fetal death records,
 4 and death records, up to a maximum increase of five dollars (\$5).

5 (b) Effective July 1 of each year, a county board of supervisors
 6 and a city council of a city with a local registrar may authorize an
 7 increase in these fees by an amount equal to the increase in the
 8 Consumer Price Index for the San Francisco metropolitan area for
 9 the preceding calendar year, rounded to the nearest half-dollar
 10 (\$0.50). The fees shall be disposed of pursuant to the provisions
 11 of Section 18309.10 of the Welfare and Institutions Code.

12 (c) In addition to any other fees prescribed by law, an applicant
 13 for a certified copy of a *marriage certificate*, birth certificate, fetal
 14 death record, or death record in a county or city shall pay the fees
 15 specified in subdivisions (a) and (b) to the local registrar, county
 16 recorder, or county clerk, as applicable, as established by the county
 17 board of supervisors or the city council of a city with a local
 18 registrar.

19 SEC. 3. Section 18309.10 is added to the Welfare and
 20 Institutions Code, to read:

21 18309.10. (a) (1) A county board of supervisors shall direct
 22 the local registrar, county recorder, and county clerk to deposit
 23 fees collected pursuant to Section 103627.8 of the Health and
 24 Safety Code into a special fund.

25 (2) The county may retain up to 4 percent of the fund for
 26 administrative costs associated with the collection and segregation
 27 of the additional fees and the deposit of these fees into the special
 28 fund.

29 (3) Proceeds from the fee increase collected pursuant to Section
 30 103627.8 of the Health and Safety Code shall be used as follows:

31 (A) (i) Sixty percent of the proceeds from the fee increase from
 32 marriage certificates, fetal death records, and death records shall
 33 go to nonprofit, community-based organizations that serve domestic
 34 violence victims and their families, including, but not limited to,
 35 organizations that serve underserved communities, including the
 36 lesbian, gay, bisexual, and transgender community, ethnic and
 37 racial communities, the disabled community, teens, and the elderly.

38 (ii) Forty percent of the proceeds from the fee increase from
 39 marriage certificates, fetal death records, and death records shall
 40 be used for governmental oversight and coordination of domestic

1 violence and family violence prevention and intervention efforts,
2 including law enforcement, mental health, public health, substance
3 abuse, victim advocacy, community education, and housing
4 services, in order to increase the effectiveness of prevention and
5 early intervention of domestic and family violence.

6 (B) (i) All proceeds from the fee increase from birth certificates
7 shall be deposited into the county children's trust fund, established
8 pursuant to Section 18966, and shall go to community-based
9 organizations and other agencies in the county for the purpose of
10 increasing the effectiveness and prevention and early intervention
11 of child abuse and neglect.

12 (ii) If a county does not have a county children's trust fund, the
13 proceeds from the fee increase from birth certificates shall be
14 transferred by the local registrar or county recorder to the
15 Treasurer for deposit in the State Children's Trust Fund.

16 (b) (1) A city council of a city with a local registrar shall direct
17 the local registrar to deposit fees collected pursuant to Section
18 103627.8 of the Health and Safety Code into a special fund.

19 (2) The city may retain up to 4 percent of the fund for
20 administrative costs associated with the collection and segregation
21 of the additional fees and the deposit of these fees into the special
22 fund.

23 (3) Proceeds from the fee increase collected pursuant to Section
24 103627.8 of the Health and Safety Code shall be used as follows:

25 (A) (i) Sixty percent of the proceeds from the fee increase from
26 ~~marriage certificates~~, fetal death records, and death records shall
27 go to nonprofit, community-based organizations that serve domestic
28 violence victims and their families, including, but not limited to,
29 organizations that serve underserved communities, including the
30 lesbian, gay, bisexual, and transgender community, ethnic and
31 racial communities, the disabled community, teens, and the elderly.

32 (ii) Forty percent of the proceeds from the fee increase from
33 ~~marriage certificates~~, fetal death records, and death records shall
34 be used for governmental oversight and coordination of domestic
35 violence and family violence prevention and intervention efforts,
36 including law enforcement, mental health, public health, substance
37 abuse, victim advocacy, community education, and housing
38 services, in order to increase the effectiveness of prevention and
39 early intervention of domestic and family violence.

1 (B) (i) All proceeds from the fee increase from birth certificates
2 shall be deposited into the county children's trust fund, established
3 pursuant to Section 18966, and shall go to community-based
4 organizations and other agencies in the county for the purpose of
5 increasing the effectiveness of prevention and early intervention
6 of child abuse and neglect.

7 (ii) If a county does not have a county children's trust fund, the
8 fee increase from birth certificates shall be transferred by the local
9 registrar or county recorder to the Treasurer for deposit in the
10 State Children's Trust Fund.

11 SEC. 4. Section 18966 of the Welfare and Institutions Code is
12 amended to read:

13 18966. When a county board of supervisors designates a
14 commission pursuant to Section 18965, the board of supervisors
15 shall establish a county children's trust fund. The children's trust
16 fund shall consist of the fees for birth certificates, collected
17 pursuant to Section 103625 of the Health and Safety Code,
18 proceeds from a fee increase from birth certificates, collected
19 pursuant to Section 103627.8 of the Health and Safety Code, grants,
20 gifts, or bequests from private sources to be used for child abuse
21 and neglect prevention and intervention programs, any funds
22 appropriated by local governmental entities to the trust fund, and
23 any funds appropriated to the county for the trust fund by the
24 Legislature. The local registrar or county recorder may, however,
25 retain a percentage, not to exceed 10 percent, of the surcharge
26 collectible pursuant to subdivision (b) of Section 103625 of the
27 Health and Safety Code, in order to defray the costs of collection.

28 The county treasurer shall transmit moneys collected from birth
29 certificate fees for the county children's trust fund, pursuant to
30 subdivision (b) of Section 103625 of the Health and Safety Code,
31 collected with respect to the birth certificate of a child whose
32 mother was a resident of another county at the time of the birth to
33 the treasurer of the county of the mother's residence at the time
34 of the birth if the county to receive the funds has established a
35 program pursuant to Article 5 (commencing with Section 18965)
36 of Chapter 11 of Part 6 of Division 9 of the Welfare and Institutions
37 Code and does not have a licensed health facility that provides
38 maternity services within its jurisdiction.

39 SEC. 5. Section 18968 of the Welfare and Institutions Code is
40 amended to read:

1 18968. In any county where the board of supervisors does not
2 designate a commission to carry out the purposes of this article,
3 pursuant to Section 18965, except for a percentage of the receipts
4 necessary for purposes of collection, the amount collected for the
5 surcharge upon birth certificates pursuant to Section 103625 of
6 the Health and Safety Code *and the amount collected from the*
7 *proceeds from the fee increase from birth certificates pursuant to*
8 *Section 103627.8 of the Health and Safety Code shall be transferred*
9 by the local registrar or county recorder to the Treasurer for deposit
10 in the State Children’s Trust Fund.

11 *SEC. 6. Section 18969 of the Welfare and Institutions Code is*
12 *amended to read:*

13 18969. (a) There is hereby created in the State Treasury a fund
14 which shall be known as the State Children’s Trust Fund. The fund
15 shall consist of funds received from a county pursuant to Section
16 18968, funds collected by the state and transferred to the fund
17 pursuant to subdivision (b) of Section 103625 of the Health and
18 Safety Code and Article 2 (commencing with Section 18711) of
19 Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation
20 Code, *funds received from the county pursuant to Section 18309.10,*
21 grants, gifts, or bequests made to the state from private sources to
22 be used for innovative and distinctive child abuse and neglect
23 prevention and intervention projects and money appropriated to
24 the fund for this purpose by the Legislature. The State Registrar
25 may retain a percentage of the fees collected pursuant to Section
26 10605 of the Health and Safety Code, not to exceed 10 percent, in
27 order to defray the costs of collection.

28 (b) Money in the State Children’s Trust Fund, upon
29 appropriation by the Legislature, shall be allocated to the State
30 Department of Social Services for the purpose of funding child
31 abuse and neglect prevention and intervention programs. The
32 department may not supplant any federal, state, or county funds
33 with any funds made available through the State Children’s Trust
34 Fund.

35 (c) The department may establish positions as needed for the
36 purpose of implementing and administering child abuse and neglect
37 prevention and intervention programs that are funded by the State
38 Children’s Trust Fund. However, the department shall use no more
39 than 5 percent of the funds appropriated pursuant to this section
40 for administrative costs.

1 (d) No State Children’s Trust Fund money shall be used to
2 supplant state General Fund money for any purpose.

3 (e) It is the intent of the Legislature that the State Children’s
4 Trust Fund provide for all of the following:

5 (1) The development of a public-private partnership by
6 encouraging consistent outreach to the private foundation and
7 corporate community.

8 (2) Funds for large-scale dissemination of information that will
9 promote public awareness regarding the nature and incidence of
10 child abuse and the availability of services for intervention. These
11 public awareness activities shall include, but not be limited to, the
12 production of public service announcements, well designed posters,
13 pamphlets, booklets, videos, and other media tools.

14 (3) Research and demonstration projects that explore the nature
15 and incidence and the development of long-term solutions to the
16 problem of child abuse.

17 (4) The development of a mechanism to provide ongoing public
18 awareness through activities that will promote the charitable tax
19 deduction for the trust fund and seek continued contributions.
20 These activities may include convening a philanthropic roundtable,
21 developing literature for use by the State Bar for dissemination,
22 and whatever other activities are deemed necessary and appropriate
23 to promote the trust fund.

24 ~~SEC. 4.~~

25 *SEC. 7.* This act shall not be construed to affect any other law
26 that authorizes a county or city to increase fees for certified copies
27 of marriage certificates, birth certificates, fetal death records, and
28 death records.