

Introduced by Senator Kehoe

(Coauthors: Assembly Members Atkins and Fletcher)

February 17, 2011

An act to add Title 5.3 (commencing with Section 13750) to Part 4 of the Penal Code, relating to family justice centers.

LEGISLATIVE COUNSEL'S DIGEST

SB 557, as introduced, Kehoe. Family justice centers.

Existing law provides for various services and programs to assist victims of crime, including grants to proposed and existing child sexual exploitation and child abuse victim counseling centers and prevention programs, and the establishment of a resource center to operate a statewide, toll-free information service consisting of legal information for crime victims and providers of services to crime victims.

This bill would authorize a city, county, or city and county to establish a multiagency, multidisciplinary family justice center to assist victims of domestic violence, sexual assault, elder abuse, and human trafficking, to ensure that victims of abuse are able to access all needed services in one location and to enhance victim safety, increase offender accountability, and improve access to services for victims of crime, as provided. The bill would permit the family justice centers to be staffed by law enforcement, medical, social service, and child welfare personnel, among others.

The bill would authorize a family justice center to share information pursuant to an informed consent process, as provided. The bill would authorize the National Family Justice Center Alliance, subject to certain limitations, to maintain nonidentifying, aggregate data on victims receiving services from a family justice center and the outcomes of those services. The bill would provide immunity from civil liability to

staff members of the center for information shared with others based on an established client consent procedure, provided that the center has a formal training program with mandatory training for all members, 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. Title 5.3 (commencing with Section 13750) is
2 added to Part 4 of the Penal Code, to read:

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TITLE 5.3. FAMILY JUSTICE CENTERS

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6 13750. (a) A city, county, or city and county may establish a
7 multiagency, multidisciplinary family justice center to assist
8 victims of domestic violence, sexual assault, elder abuse, and
9 human trafficking to ensure that victims of abuse are able to access
10 all needed services in one location in order to enhance victim
11 safety, increase offender accountability, and improve access to
12 services for victims of domestic violence, sexual assault, elder
13 abuse, and human trafficking.

14 (b) For purposes of this title, the following terms have the
15 following meanings:

16 (1) "Abuse" has the same meaning as set forth in Section 6203
17 of the Family Code.

18 (2) "Domestic violence" has the same meaning as set forth in
19 Section 6211 of the Family Code.

20 (3) "Sexual assault" means an act or attempt made punishable
21 by Section 220, 261, 261.5, 262, 264.1, 266c, 269, 285, 286, 288,
22 288.5, 288a, 289, or 647.6.

23 (4) "Elder abuse" means an act made punishable by Section
24 368.

25 (5) "Human trafficking" has the same meaning as set forth in
26 Section 236.1.

27 (c) For purposes of this title, family justice centers shall be
28 defined as multiagency, multidisciplinary service centers where
29 public and private agencies assign staff members on a full-time or
30 part-time basis in order to provide services to victims of domestic
31 violence, sexual assault, elder abuse, or human trafficking from

1 one location in order to reduce the number of times victims must
2 tell their story, reduce the number of places victims must go for
3 help, and increase access to services and support for victims and
4 their children. Staff members at a family justice center may be
5 comprised of, but are not limited to, the following:

- 6 (1) Law enforcement personnel.
- 7 (2) Medical personnel.
- 8 (3) District attorneys and city attorneys.
- 9 (4) Victim-witness program personnel.
- 10 (5) Domestic violence shelter service staff.
- 11 (6) Community-based rape crisis, domestic violence, and human
12 trafficking advocates.
- 13 (7) Social service agency staff members.
- 14 (8) Child welfare agency social workers.
- 15 (9) County health department staff.
- 16 (10) City or county welfare and public assistance workers.
- 17 (11) Nonprofit agency counseling professionals.
- 18 (12) Civil legal service providers.
- 19 (13) Supervised volunteers from partner agencies.
- 20 (14) Other professionals providing services.

21 (d) All family justice centers are encouraged to maintain an
22 informed consent process to authorize any sharing of confidential,
23 privileged, or protected information between individuals or
24 agencies working within a center. “Informed client consent” shall
25 refer to a process established by a family justice center to inform
26 the victim of all applicable confidentiality provisions of state and
27 federal law, inform the victim of the implications of waiving of
28 these confidentiality provisions, and a written process for
29 authorization to share information within a center. A victim may
30 authorize the disclosure and sharing of information among partner
31 agencies for the purposes of providing enhanced services.
32 Authorization may be limited in terms of individuals and agencies
33 with whom and with which information is shared and the duration
34 of time under which information may be shared.

35 (e) An authorization by a victim for sharing information within
36 a family justice center pursuant to this section shall not be
37 construed as a universal waiver of any existing evidentiary
38 privilege which holds that communications or documents between
39 the victim and any service provider, including, but not limited to,
40 any lawyer, advocate, therapist, doctor, or nurse, are confidential.

1 Any oral or written communication or any document authorized
2 by the victim to be shared for the purposes of enhancing safety
3 and providing more effective and efficient services to the victim
4 of domestic violence, sexual assault, elder abuse, or human
5 trafficking shall not be disclosed to any third party, unless that
6 third-party disclosure is authorized by the victim, required by other
7 provisions of state or federal law, or by court order.

8 (f) Family justice centers may use one comprehensive informed
9 consent form to permit sharing of information among partner
10 agencies to the extent that the form allows the victim to select
11 which agencies may share confidential information for the purposes
12 of providing needed services.

13 (g) No individual staff member, volunteer, or agency that has
14 victim information governed by this section shall be required to
15 disclose that information unless authorized by the victim or as
16 otherwise required to be disclosed by other provisions of state or
17 federal law, or by court order. It is the intent of the Legislature to
18 allow the sharing of information by a partner agency only if the
19 agency has an authorization from the victim and is for the purposes
20 of providing services to that victim within a family justice center.

21 (h) A disclosure of information authorized by the victim in a
22 family justice center, for the purposes of clinical assessment, risk
23 assessment, safety planning, or service delivery, shall not be
24 deemed a waiver of any privileges or confidentiality provisions
25 provided for in Sections 2263, 2918, 4982, and 6068 of the
26 Business and Professions Code, the lawyer-client privilege
27 protected by Article 3 (commencing with Section 950) of Chapter
28 4 of Division 8 of the Evidence Code, the physician-patient
29 privilege protected by Article 6 (commencing with Section 990)
30 of Chapter 4 of Division 8 of the Evidence Code, the
31 psychotherapist-patient privilege protected by Article 7
32 (commencing with Section 1010) of Chapter 4 of Division 8 of
33 the Evidence Code, the sexual assault counselor-victim privilege
34 protected by Article 8.5 (commencing with Section 1035) of
35 Chapter 4 of Division 8 of the Evidence Code, or the domestic
36 violence counselor-victim privilege protected by Article 8.7
37 (commencing with Section 1037) of Chapter 4 of Division 8 of
38 the Evidence Code.

39 13751. (a) The National Family Justice Center Alliance
40 (NFJCA) may, subject to authorization from each individual victim,

1 maintain nonidentifying, aggregate data on victims receiving
2 services from family justice centers and the outcomes from the
3 services provided. The NFJCA may, for evaluation and monitoring
4 purposes, report to the Legislature annually by April 30th of each
5 year on the findings and outcomes documented by each center in
6 the preceding year. Any report submitted by NFJCA to the
7 Legislature shall be submitted pursuant to Section 9795 of the
8 Government Code.

9 (b) Any family justice center may, subject to authorization from
10 each individual victim, provide nonidentifying, aggregate data on
11 victims receiving services and the outcomes from services provided
12 to the NFJCA by February 28th of each year for all victims
13 receiving services in the preceding year.

14 (c) Confidential records maintained by the NFJCA shall not be
15 subject to disclosure to any third party without the written
16 authorization by the victim who originally provided the information
17 to a particular family justice center. Under no circumstances shall
18 any identifying information or confidential personal information
19 about a victim be disclosed by the NFJCA, unless required by
20 federal law.

21 13752. (a) Subject to subdivision (c), no individual staff
22 member, volunteer, or agency professional of a family justice
23 center shall be civilly liable for information shared with other
24 partner agencies if a victim authorized the disclosure of that
25 information pursuant to Section 13750.

26 (b) Subject to subdivision (c), no family justice center shall be
27 liable for maintaining confidential victim information for the
28 purposes of providing nonidentifying aggregate information to the
29 NFJCA on an annual basis.

30 (c) The immunity from liability pursuant to subdivisions (a) and
31 (b) is contingent upon the existence of a formal family justice
32 center training program with mandatory training for all staff
33 members, volunteers, and agency professionals of not less than
34 eight hours per year on subjects, including, but not limited to,
35 confidentiality, information sharing, risk assessment, safety
36 planning, victim advocacy, and high-risk case response.

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