

AMENDED IN SENATE APRIL 5, 2011

SENATE BILL

No. 557

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 amended, 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:

3
 4 TITLE 5.3. FAMILY JUSTICE CENTERS
 5

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

1 part-time basis in order to provide services to victims of domestic
2 violence, sexual assault, elder abuse, or human trafficking from
3 one location in order to reduce the number of times victims must
4 tell their story, reduce the number of places victims must go for
5 help, and increase access to services and support for victims and
6 their children. Staff members at a family justice center may be
7 comprised of, but are not limited to, the following:

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

23 *(d) Victims of domestic violence, sexual assault, elder abuse,*
24 *or human trafficking shall not be required to participate in the*
25 *criminal justice system or cooperate with law enforcement in order*
26 *to receive counseling, medical care, or other services at a family*
27 *justice center.*

28 ~~(d)~~

29 *(e) All family justice centers are encouraged to maintain an*
30 *informed consent process to authorize any sharing of confidential,*
31 *privileged, or protected information between individuals or*
32 *agencies working within a center. “Informed client consent” shall*
33 *refer to a process established by a family justice center to inform*
34 *the victim of all applicable confidentiality provisions of state and*
35 *federal law, inform the victim of the implications of waiving of*
36 *these confidentiality provisions, and a written process for*
37 *authorization to share information within a center. A victim may*
38 *authorize the disclosure and sharing of information among partner*
39 *agencies for the purposes of providing enhanced services.*
40 *Authorization may be limited in terms of individuals and agencies*

1 with whom and with which information is shared and the duration
2 of time under which information may be shared.

3 ~~(e)~~

4 (f) An authorization by a victim for sharing information within
5 a family justice center pursuant to this section shall not be
6 construed as a universal waiver of any existing evidentiary
7 privilege which holds that communications or documents between
8 the victim and any service provider, including, but not limited to,
9 any lawyer, advocate, therapist, doctor, or nurse, are confidential.
10 Any oral or written communication or any document authorized
11 by the victim to be shared for the purposes of enhancing safety
12 and providing more effective and efficient services to the victim
13 of domestic violence, sexual assault, elder abuse, or human
14 trafficking shall not be disclosed to any third party, unless that
15 third-party disclosure is authorized by the victim, required by other
16 provisions of state or federal law, or by court order.

17 ~~(f)~~

18 (g) Family justice centers may use one comprehensive informed
19 consent form to permit sharing of information among partner
20 agencies to the extent that the form allows the victim to select
21 which agencies may share confidential information for the purposes
22 of providing needed services.

23 ~~(g)~~

24 (h) No individual staff member, volunteer, or agency that has
25 victim information governed by this section shall be required to
26 disclose that information unless authorized by the victim or as
27 otherwise required to be disclosed by other provisions of state or
28 federal law, or by court order. It is the intent of the Legislature to
29 allow the sharing of information by a partner agency only if the
30 agency has an authorization from the victim and is for the purposes
31 of providing services to that victim within a family justice center.

32 ~~(h)~~

33 (i) A disclosure of information authorized by the victim in a
34 family justice center, for the purposes of clinical assessment, risk
35 assessment, safety planning, or service delivery, shall not be
36 deemed a waiver of any privileges or confidentiality provisions
37 provided for in Sections 2263, 2918, 4982, and 6068 of the
38 Business and Professions Code, the lawyer-client privilege
39 protected by Article 3 (commencing with Section 950) of Chapter
40 4 of Division 8 of the Evidence Code, the physician-patient

1 privilege protected by Article 6 (commencing with Section 990)
2 of Chapter 4 of Division 8 of the Evidence Code, the
3 psychotherapist-patient privilege protected by Article 7
4 (commencing with Section 1010) of Chapter 4 of Division 8 of
5 the Evidence Code, the sexual assault counselor-victim privilege
6 protected by Article 8.5 (commencing with Section 1035) of
7 Chapter 4 of Division 8 of the Evidence Code, or the domestic
8 violence counselor-victim privilege protected by Article 8.7
9 (commencing with Section 1037) of Chapter 4 of Division 8 of
10 the Evidence Code.

11 13751. (a) The National Family Justice Center Alliance
12 (NFJCA) may, subject to authorization from each individual victim,
13 maintain nonidentifying, aggregate data on victims receiving
14 services from family justice centers and the outcomes from the
15 services provided. The NFJCA may, for evaluation and monitoring
16 purposes, report to the Legislature annually by April 30th of each
17 year on the findings and outcomes documented by each center in
18 the preceding year. Any report submitted by NFJCA to the
19 Legislature shall be submitted pursuant to Section 9795 of the
20 Government Code.

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

26 (c) Confidential records maintained by the NFJCA shall not be
27 subject to disclosure to any third party without the written
28 authorization by the victim who originally provided the information
29 to a particular family justice center. Under no circumstances shall
30 any identifying information or confidential personal information
31 about a victim be disclosed by the NFJCA, unless required by
32 federal law.

33 13752. (a) Subject to subdivision (c), no individual staff
34 member, volunteer, or agency professional of a family justice
35 center shall be civilly liable for information shared with other
36 partner agencies if a victim authorized the disclosure of that
37 information pursuant to Section 13750.

38 (b) Subject to subdivision (c), no family justice center shall be
39 liable for maintaining confidential victim information for the

1 purposes of providing nonidentifying aggregate information to the
2 NFJCA on an annual basis.
3 (c) The immunity from liability pursuant to subdivisions (a) and
4 (b) is contingent upon the existence of a formal family justice
5 center training program with mandatory training for all staff
6 members, volunteers, and agency professionals of not less than
7 eight hours per year on subjects, including, but not limited to,
8 confidentiality, information sharing, risk assessment, safety
9 planning, victim advocacy, and high-risk case response.