

AMENDED IN SENATE APRIL 25, 2011

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, *officer-involved domestic violence*, sexual assault, elder abuse, *stalking*, *cyberstalking*, *cyberbullying*, 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 *provide that all information and documents provided to a family justice center by a victim are confidential and 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~~ *require, if a city, county, or city and county establishes a family justice center, each family justice center to maintain a formal training program with mandatory training for all staff members, volunteers, and agency professionals, 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, *officer-involved domestic violence,*
9 sexual assault, elder abuse, *stalking, cyberstalking, cyberbullying,*
10 and human trafficking to ensure that victims of abuse are able to
11 access all needed services in one location in order to enhance
12 victim safety, increase offender accountability, and improve access
13 to services for victims of domestic violence, sexual assault, elder
14 abuse, and human trafficking. *Family justice centers, if established*
15 *in a city, county, or city and county, may include community-based*
16 *domestic violence, officer-involved domestic violence, sexual*
17 *assault, elder abuse, stalking, cyberstalking, cyberbullying, and*
18 *human trafficking agencies in partnership with survivors of*
19 *violence and abuse in the planning and operations process of a*
20 *family justice center, and may establish procedures for the ongoing*
21 *input, feedback, and evaluation of the family justice center by*
22 *survivors of violence and abuse and community-based crime victim*
23 *service providers.*

1 (b) For purposes of this title, the following terms have the
2 following meanings:

3 (1) “Abuse” has the same meaning as set forth in Section 6203
4 of the Family Code.

5 (2) “Domestic violence” has the same meaning as set forth in
6 Section 6211 of the Family Code.

7 (3) “Sexual assault” means an act or attempt made punishable
8 by Section 220, 261, 261.5, 262, 264.1, 266c, 269, 285, 286, 288,
9 288.5, 288a, 289, or 647.6.

10 (4) “Elder abuse” means an act made punishable by Section
11 368.

12 (5) “Human trafficking” has the same meaning as set forth in
13 Section 236.1.

14 (6) “*Victim of crime,*” “*crime victim,*” or “*victim*” means a
15 *victim of domestic violence, officer-involved domestic violence,*
16 *sexual assault, elder abuse, stalking, cyberstalking, cyberbullying,*
17 *or human trafficking.*

18 (c) For purposes of this title, family justice centers shall be
19 defined as multiagency, multidisciplinary service centers where
20 public and private agencies assign staff members on a full-time or
21 part-time basis in order to provide services to victims of domestic
22 ~~violence, sexual assault, elder abuse, or human trafficking from~~
23 *crime from* one location in order to reduce the number of times
24 victims must tell their story, reduce the number of places victims
25 must go for help, and increase access to services and support for
26 victims and their children. Staff members at a family justice center
27 may be comprised of, but are not limited to, the following:

28 (1) Law enforcement personnel.

29 (2) Medical personnel.

30 (3) District attorneys and city attorneys.

31 (4) Victim-witness program personnel.

32 (5) Domestic violence shelter service staff.

33 (6) Community-based rape crisis, domestic violence, and human
34 trafficking advocates.

35 (7) Social service agency staff members.

36 (8) Child welfare agency social workers.

37 (9) County health department staff.

38 (10) City or county welfare and public assistance workers.

39 (11) Nonprofit agency counseling professionals.

40 (12) Civil legal service providers.

1 (13) Supervised volunteers from partner agencies.

2 (14) Other professionals providing services.

3 ~~(d) Victims of domestic violence, sexual assault, elder abuse,~~
4 ~~or human trafficking crime shall not be required to participate in~~
5 ~~the criminal justice system or cooperate with law enforcement in~~
6 ~~order to receive counseling, medical care, or other services at a~~
7 ~~family justice center.~~

8 ~~(e) All family justice centers are encouraged to maintain an~~
9 ~~informed consent process to authorize any sharing of confidential,~~
10 ~~privileged, or protected information between individuals or~~
11 ~~agencies working within a center. “Informed client consent” shall~~
12 ~~refer to a process established by a family justice center to inform~~
13 ~~the victim of all applicable confidentiality provisions of state and~~
14 ~~federal law, inform the victim of the implications of waiving of~~
15 ~~these confidentiality provisions, and a written process for~~
16 ~~authorization to share information within a center. A victim may~~
17 ~~authorize the disclosure and sharing of information among partner~~
18 ~~agencies for the purposes of providing enhanced services.~~
19 ~~Authorization may be limited in terms of individuals and agencies~~
20 ~~with whom and with which information is shared and the duration~~
21 ~~of time under which information may be shared.~~

22 ~~(f) An authorization by a victim for sharing information within~~
23 ~~a family justice center pursuant to this section shall not be~~
24 ~~construed as a universal waiver of any existing evidentiary~~
25 ~~privilege which holds that communications or documents between~~
26 ~~the victim and any service provider, including, but not limited to,~~
27 ~~any lawyer, advocate, therapist, doctor, or nurse, are confidential.~~
28 ~~Any oral or written communication or any document authorized~~
29 ~~by the victim to be shared for the purposes of enhancing safety~~
30 ~~and providing more effective and efficient services to the victim~~
31 ~~of domestic violence, sexual assault, elder abuse, or human~~
32 ~~trafficking shall not be disclosed to any third party, unless that~~
33 ~~third-party disclosure is authorized by the victim, required by other~~
34 ~~provisions of state or federal law, or by court order.~~

35 ~~(g) Family justice centers may use one comprehensive informed~~
36 ~~consent form to permit sharing of information among partner~~
37 ~~agencies to the extent that the form allows the victim to select~~
38 ~~which agencies may share confidential information for the purposes~~
39 ~~of providing needed services.~~

1 ~~(h) No individual staff member, volunteer, or agency that has~~
2 ~~victim information governed by this section shall be required to~~
3 ~~disclose that information unless authorized by the victim or as~~
4 ~~otherwise required to be disclosed by other provisions of state or~~
5 ~~federal law, or by court order. It is the intent of the Legislature to~~
6 ~~allow the sharing of information by a partner agency only if the~~
7 ~~agency has an authorization from the victim and is for the purposes~~
8 ~~of providing services to that victim within a family justice center.~~

9 ~~(i) A disclosure of information authorized by the victim in a~~
10 ~~family justice center, for the purposes of clinical assessment, risk~~
11 ~~assessment, safety planning, or service delivery, shall not be~~
12 ~~deemed a waiver of any privileges or confidentiality provisions~~
13 ~~provided for in Sections 2263, 2918, 4982, and 6068 of the~~
14 ~~Business and Professions Code, the lawyer-client privilege~~
15 ~~protected by Article 3 (commencing with Section 950) of Chapter~~
16 ~~4 of Division 8 of the Evidence Code, the physician-patient~~
17 ~~privilege protected by Article 6 (commencing with Section 990)~~
18 ~~of Chapter 4 of Division 8 of the Evidence Code, the~~
19 ~~psychotherapist-patient privilege protected by Article 7~~
20 ~~(commencing with Section 1010) of Chapter 4 of Division 8 of~~
21 ~~the Evidence Code, the sexual assault counselor-victim privilege~~
22 ~~protected by Article 8.5 (commencing with Section 1035) of~~
23 ~~Chapter 4 of Division 8 of the Evidence Code, or the domestic~~
24 ~~violence counselor-victim privilege protected by Article 8.7~~
25 ~~(commencing with Section 1037) of Chapter 4 of Division 8 of~~
26 ~~the Evidence Code.~~

27 *(e) Each family justice center shall offer victims the choice to*
28 *interact with criminal justice professionals, if present at the center,*
29 *and the ability to receive services only from noncriminal justice*
30 *professionals, if the victims choose to do so. Victims should not*
31 *be denied services solely on the grounds of criminal history. No*
32 *criminal history search of the victim may be conducted without*
33 *the victim's consent.*

34 *(f) Each family justice center shall develop a process to ensure*
35 *that services are provided to victims and to enhance the safety of*
36 *all clients and professionals located at a center, in collaboration*
37 *with local community-based crime victim service providers and*
38 *local survivors of violence and abuse who may participate in*
39 *survivor-centered support or advocacy groups affiliated with the*
40 *family justice center.*

1 (g) Information and documents provided by a victim to a family
2 justice center are confidential. Each family justice center shall
3 maintain an informed client consent policy in order to authorize
4 the sharing of confidential, privileged, or protected information
5 among individuals or agencies working within a center. The policy
6 may be developed in collaboration with local community-based
7 crime victim service providers and local survivors of violence and
8 abuse who may participate in survivor-centered support or
9 advocacy groups affiliated with the family justice center. The
10 informed consent procedures shall be in compliance with all state
11 and federal laws protecting the confidentiality of the types of
12 information and documents that may be in a victim's file, including,
13 but not limited to, medical and legal records.

14 (h) A victim's consent to share information pursuant to the client
15 consent policy shall not be construed as a waiver of any
16 confidentiality or any privilege held by the victim or family justice
17 center professionals.

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

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

33 (c) Confidential records maintained by the NFJCA shall not be
34 subject to disclosure to any third party without the written
35 authorization by the victim who originally provided the information
36 to a particular family justice center. Under no circumstances shall
37 any identifying information or confidential personal information
38 about a victim be disclosed by the NFJCA, unless required by
39 federal law.

1 ~~13752. (a) Subject to subdivision (c), no individual staff~~
2 ~~member, volunteer, or agency professional of a family justice~~
3 ~~center shall be civilly liable for information shared with other~~
4 ~~partner agencies if a victim authorized the disclosure of that~~
5 ~~information pursuant to Section 13750.~~

6 ~~(b) Subject to subdivision (c), no family justice center shall be~~
7 ~~liable for maintaining confidential victim information for the~~
8 ~~purposes of providing nonidentifying aggregate information to the~~
9 ~~NFJCA on an annual basis.~~

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

17 *13752. Each family justice center established pursuant to*
18 *subdivision (a) of Section 13750 shall maintain a formal training*
19 *program with mandatory training for all staff members, volunteers,*
20 *and agency professionals of not less than eight hours per year on*
21 *subjects including, but not limited to, confidentiality, information*
22 *sharing, risk assessment, safety planning, victim advocacy, and*
23 *high-risk case response.*

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26 **CORRECTIONS:**

27 **Text—Pages 5 and 6.**

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