

AMENDED IN SENATE MAY 17, 2011

AMENDED IN SENATE MAY 2, 2011

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE APRIL 5, 2011

**SENATE BILL**

**No. 557**

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**Introduced by Senator Kehoe**

(Coauthors: Assembly Members Atkins and Fletcher)

February 17, 2011

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An act to add *and repeal* 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~~ *the cities of San Diego and Anaheim, and the counties of Alameda and Sonoma, until January 1, 2014*, 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 prohibit victims of crime from being denied services at a family justice center solely on the grounds of criminal history and would prohibit a criminal history search from being conducted during the client intake process. The bill would require each family justice center to develop policies and procedures to ensure coordinated services are provided and to enhance the safety of victims and professionals at the family justice centers, as specified. The bill would require each family justice center to maintain an informed consent policy ~~in order to authorize the sharing of confidential, privileged, or protected information among individuals or agencies working within a center and~~ require that the informed consent procedures *and to* be in compliance with all state and federal laws protecting the confidentiality of the types of information and documents that may be in a victim’s file. The bill would 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:

3  
 4 TITLE 5.3. FAMILY JUSTICE CENTERS

5  
 6 ~~13750. (a) A city, county, or city and county may establish a~~

7 *13750. (a) The City of San Diego, the City of Anaheim, the*  
 8 *County of Alameda, and the County of Sonoma are each hereby*  
 9 *authorized to create a two-year pilot project for the establishment*  
 10 *of a family justice center in accordance with the provisions of this*  
 11 *section and Section 13751.*

12 *(b) The City of San Diego, the City of Anaheim, the County of*  
 13 *Alameda, and the County of Sonoma may each establish a*  
 14 *multiagency, multidisciplinary family justice center to assist*  
 15 *victims of domestic violence, officer-involved domestic violence,*  
 16 *sexual assault, elder abuse, stalking, cyberstalking, cyberbullying,*

1 and human trafficking to ensure that victims of abuse are able to  
2 access all needed services in one location in order to enhance  
3 victim safety, increase offender accountability, and improve access  
4 to services for victims of domestic violence, sexual assault, elder  
5 abuse, and human trafficking. Family justice centers, if established  
6 ~~in a city, county, or city and county~~ *the City of San Diego, the City*  
7 *of Anaheim, the County of Alameda, and the County of Sonoma,*  
8 may include community-based domestic violence, officer-involved  
9 domestic violence, sexual assault, elder abuse, stalking,  
10 cyberstalking, cyberbullying, and human trafficking agencies in  
11 partnership with survivors of violence and abuse in the planning  
12 and operations process of a family justice center, and may establish  
13 procedures for the ongoing input, feedback, and evaluation of the  
14 family justice center by survivors of violence and abuse and  
15 community-based crime victim service providers.

16 (b)

17 (c) For purposes of this title, the following terms have the  
18 following meanings:

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

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

23 (3) “Sexual assault” means an act or attempt made punishable  
24 by Section 220, 261, 261.5, 262, 264.1, 266c, 269, 285, 286, 288,  
25 288.5, 288a, 289, or 647.6.

26 (4) “Elder abuse” means an act made punishable by Section  
27 368.

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

30 (6) “Victim of crime,” “crime victim,” or “victim” means a  
31 victim of domestic violence, officer-involved domestic violence,  
32 sexual assault, elder abuse, stalking, cyberstalking, cyberbullying,  
33 or human trafficking.

34 (e)

35 (d) For purposes of this title, family justice centers shall be  
36 defined as multiagency, multidisciplinary service centers where  
37 public and private agencies assign staff members on a full-time or  
38 part-time basis in order to provide services to victims of crime  
39 from one location in order to reduce the number of times victims  
40 must tell their story, reduce the number of places victims must go

1 for help, and increase access to services and support for victims  
2 and their children. Staff members at a family justice center may  
3 be comprised of, but are not limited to, the following:

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

19 ~~(d)~~

20 (e) Victims of crime shall not be required to participate in the  
21 criminal justice system or cooperate with law enforcement in order  
22 to receive counseling, medical care, or other services at a family  
23 justice center.

24 ~~(e)~~

25 (f) Victims of crime shall not be denied services solely on the  
26 grounds of criminal history. No criminal history search shall be  
27 conducted during a client intake process at a family justice center  
28 as a condition of receiving services within a family justice center  
29 or without the victim's consent.

30 ~~(f)~~

31 (g) Each family justice center shall develop policies and  
32 procedures, in collaboration with local community-based crime  
33 victim service providers and local survivors of violence or abuse,  
34 to ensure coordinated services are provided to victims and to  
35 enhance the safety of victims and professionals at a family justice  
36 center who participate in affiliated survivor-centered support or  
37 advocacy groups. All family justice centers shall maintain a formal  
38 client feedback, complaint, and input process to address client  
39 concerns about services provided or the conduct of any family

1 justice center professionals, agency partners, or volunteers  
2 providing services in a family justice center.

3 ~~(g) Each family justice center shall maintain an informed client  
4 consent policy in order to authorize the sharing of confidential,  
5 privileged, or protected information among individuals or agencies  
6 working within a center. The policy shall be developed in  
7 collaboration with local community-based crime victim service  
8 providers and local survivors of violence or abuse who may  
9 participate in survivor-centered support or advocacy groups  
10 affiliated with the family justice center. However, at no time shall  
11 a victim be required to sign a client consent form to share  
12 information in order to access services. The informed consent  
13 procedures shall be in compliance with all state and federal laws  
14 protecting the confidentiality of the types of information and  
15 documents that may be in a victim's file, including, but not limited  
16 to, medical and legal records.~~

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

21 *(h) Each family justice center shall maintain an informed client  
22 consent policy and shall be in compliance with all state and federal  
23 laws protecting the confidentiality of the types of information and  
24 documents that may be in a victim's file, including, but not limited  
25 to, medical and legal records. Each family justice center shall  
26 have a designated privacy officer to develop and oversee privacy  
27 policies and procedures consistent with state and federal privacy  
28 laws and the Fair Information Practice Principles. At no time shall  
29 a victim be required to sign a client consent form to share  
30 information in order to access services.*

31 *(i) A victim's consent to share information pursuant to the client  
32 consent policy shall not be construed as a waiver of confidentiality  
33 or any privilege held by the victim or family justice center  
34 professionals.*

35 *(j) The Office of Privacy Protection in conjunction with the four  
36 pilot centers, the National Family Justice Center Alliance, and  
37 relevant stakeholders shall develop best practices to ensure the  
38 privacy of all family justice center clients and shall submit a report  
39 to the Assembly Committee on Judiciary and to the Senate*

1 *Committee on Judiciary, no later than January 1, 2013, with*  
2 *recommendations.*

3 ~~13752.~~

4 *13751.* Each family justice center established pursuant to  
5 subdivision (a) of Section 13750 shall maintain a formal training  
6 program with mandatory training for all staff members, volunteers,  
7 and agency professionals of not less than eight hours per year on  
8 subjects including, but not limited to, confidentiality, information  
9 sharing, risk assessment, safety planning, victim advocacy, and  
10 high-risk case response.

11 *13752. This title shall remain in effect only until January 1,*  
12 *2014, and as of that date is repealed, unless a later enacted statute,*  
13 *that is enacted before January 1, 2014, deletes or extends that*  
14 *date.*