

AMENDED IN SENATE MAY 27, 2011

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

Introduced by Senator Kehoe

(Coauthors: Assembly Members Atkins and Fletcher)

February 17, 2011

An act to add and repeal Title 5.3 (commencing with Section 13750) of 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 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 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 the family justice centers to submit a report to the Office of Privacy Protection for review and comment, and then submit the report to the Assembly Committee on Judiciary and the Senate Committee on Judiciary, no later than January 1, 2013, as specified.* The bill would require 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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4 TITLE 5.3. FAMILY JUSTICE CENTERS

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6 13750. (a) The City of San Diego, the City of Anaheim, the
 7 County of Alameda, and the County of Sonoma are each hereby
 8 authorized to create a two-year pilot project for the establishment
 9 of a family justice center in accordance with the provisions of this
 10 section and Section 13751.

11 (b) The City of San Diego, the City of Anaheim, the County of
 12 Alameda, and the County of Sonoma may each establish a
 13 multiagency, multidisciplinary family justice center to assist
 14 victims of domestic violence, officer-involved domestic violence,

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

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

1 and their children. Staff members at a family justice center may
2 be comprised of, but are not limited to, the following:

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

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

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

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

38 (h) Each family justice center shall maintain an informed client
39 consent policy and shall be in compliance with all state and federal
40 laws protecting the confidentiality of the types of information and

1 documents that may be in a victim’s file, including, but not limited
2 to, medical and legal records. Each family justice center shall have
3 a designated privacy officer to develop and oversee privacy policies
4 and procedures consistent with state and federal privacy laws and
5 the Fair Information Practice Principles. At no time shall a victim
6 be required to sign a client consent form to share information in
7 order to access services.

8 (i) A victim’s consent to share information pursuant to the client
9 consent policy shall not be construed as a waiver of confidentiality
10 or any privilege held by the victim or family justice center
11 professionals.

12 ~~(j) The Office of Privacy Protection in conjunction with the four
13 pilot centers, the National Family Justice Center Alliance, and
14 relevant stakeholders shall develop best practices to ensure the
15 privacy of all family justice center clients and shall submit a report
16 to the Assembly Committee on Judiciary and to the Senate
17 Committee on Judiciary, no later than January 1, 2013, with
18 recommendations.~~

19 *(j) The four pilot centers, the National Family Justice Center
20 Alliance, and relevant stakeholders, under the advisement of the
21 Office of Privacy Protection, shall provide an evaluation report
22 that includes outcomes and evaluation data from the four family
23 justice centers, recommended best practices to ensure the privacy
24 of all family justice center clients, and recommendations for future
25 state legislation. The family justice centers shall submit the report
26 to the Office of Privacy Protection for review and comment, and
27 then to the Assembly Committee on Judiciary and the Senate
28 Committee on Judiciary, no later than January 1, 2013, with their
29 recommendations.*

30 13751. Each family justice center established pursuant to
31 subdivision (a) of Section 13750 shall maintain a formal training
32 program with mandatory training for all staff members, volunteers,
33 and agency professionals of not less than eight hours per year on
34 subjects including, but not limited to, confidentiality, information
35 sharing, risk assessment, safety planning, victim advocacy, and
36 high-risk case response.

1 13752. This title shall remain in effect only until January 1,
2 2014, and as of that date is repealed, unless a later enacted statute,
3 that is enacted before January 1, 2014, deletes or extends that date.

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