

AMENDED IN ASSEMBLY JUNE 15, 2011

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 *or dependent adult* 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~~ *without the victim's written consent, unless the criminal history search is pursuant to an active criminal investigation.* 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, *the Assembly Committee on Public Safety, and the Senate Committee on Public Safety*, 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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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

1 of a family justice center in accordance with the provisions of this
2 section and Section 13751.

3 (b) The City of San Diego, the City of Anaheim, the County of
4 Alameda, and the County of Sonoma may each establish a
5 multiagency, multidisciplinary family justice center to assist
6 victims of domestic violence, officer-involved domestic violence,
7 sexual assault, elder *or dependent adult* abuse, stalking,
8 cyberstalking, cyberbullying, and human trafficking, *depending*
9 *on the availability of services*, to ensure that victims of abuse are
10 able to access all needed services in one location in order to
11 enhance victim safety, increase offender accountability, and
12 improve access to services for victims of domestic violence, sexual
13 assault, elder *or dependent adult* abuse, and human trafficking.
14 Family justice centers, if established in the City of San Diego, the
15 City of Anaheim, the County of Alameda, and the County of
16 Sonoma, may include community-based domestic violence,
17 officer-involved domestic violence, sexual assault, elder *or*
18 *dependent adult* abuse, stalking, cyberstalking, cyberbullying, and
19 human trafficking agencies in partnership with survivors of
20 violence and abuse in the planning and operations process of a
21 family justice center, and may establish procedures for the ongoing
22 input, feedback, and evaluation of the family justice center by
23 survivors of violence and abuse and community-based crime victim
24 service providers.

25 (c) For purposes of this title, the following terms have the
26 following meanings:

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

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

31 (3) “Sexual assault” means an act or attempt made punishable
32 by Section 220, 261, 261.5, 262, 264.1, 266c, 269, 285, 286, 288,
33 288.5, 288a, 289, or 647.6.

34 (4) “Elder *or dependent adult* abuse” means an act made
35 punishable by Section 368.

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

38 (6) “Victim of crime,” “crime victim,” or “victim” means a
39 victim of domestic violence, officer-involved domestic violence,

1 sexual assault, elder *or dependent adult* abuse, stalking,
2 cyberstalking, cyberbullying, or human trafficking.

3 (d) For purposes of this title, family justice centers shall be
4 defined as multiagency, multidisciplinary service centers where
5 public and private agencies assign staff members on a full-time or
6 part-time basis in order to provide services to victims of crime
7 from one location in order to reduce the number of times victims
8 must tell their story, reduce the number of places victims must go
9 for help, and increase access to services and support for victims
10 and their children. Staff members at a family justice center may
11 be comprised of, but are not limited to, the following:

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

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

31 (f) Victims of crime shall not be denied services ~~solely~~ on the
32 grounds of criminal history. No criminal history search shall be
33 conducted ~~during a client intake process of a victim~~ at a family
34 justice center ~~as a condition of receiving services within a family~~
35 ~~justice center~~ *or* without the victim's *written consent unless the*
36 *criminal history search is pursuant to an active criminal*
37 *investigation.*

38 (g) Each family justice center shall develop policies and
39 procedures, in collaboration with local community-based crime
40 victim service providers and local survivors of violence or abuse,

1 to ensure coordinated services are provided to victims and to
2 enhance the safety of victims and professionals at a family justice
3 center who participate in affiliated survivor-centered support or
4 advocacy groups. All family justice centers shall maintain a formal
5 client feedback, complaint, and input process to address client
6 concerns about services provided or the conduct of any family
7 justice center professionals, agency partners, or volunteers
8 providing services in a family justice center.

9 (h) Each family justice center shall maintain an informed client
10 consent policy and shall be in compliance with all state and federal
11 laws protecting the confidentiality of the types of information and
12 documents that may be in a victim's file, including, but not limited
13 to, medical and legal records. Each family justice center shall have
14 a designated privacy officer to develop and oversee privacy policies
15 and procedures consistent with state and federal privacy laws and
16 the Fair Information Practice Principles. At no time shall a victim
17 be required to sign a client consent form to share information in
18 order to access services.

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

23 (j) The four pilot centers, the National Family Justice Center
24 Alliance, and relevant stakeholders, under the advisement of the
25 Office of Privacy Protection, shall provide an evaluation report
26 that includes outcomes and evaluation data from the four family
27 justice centers, recommended best practices to ensure the privacy
28 of all family justice center clients, and recommendations for future
29 state legislation. The family justice centers shall submit the report
30 to the Office of Privacy Protection for review and comment, and
31 then to the Assembly Committee on Judiciary~~and~~, the Senate
32 Committee on Judiciary, *the Assembly Committee on Public Safety,*
33 *and the Senate Committee on Public Safety*, no later than January
34 1, 2013, with their recommendations.

35 13751. Each family justice center established pursuant to
36 subdivision (a) of Section 13750 shall maintain a formal training
37 program with mandatory training for all staff members, volunteers,
38 and agency professionals of not less than eight hours per year on
39 subjects including, but not limited to, confidentiality, information

1 sharing, risk assessment, safety planning, victim advocacy, and
2 high-risk case response.
3 13752. This title shall remain in effect only until January 1,
4 2014, and as of that date is repealed, unless a later enacted statute,
5 that is enacted before January 1, 2014, deletes or extends that date.

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