

Senate Bill No. 557

Passed the Senate August 22, 2011

Secretary of the Senate

Passed the Assembly July 14, 2011

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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. This bill would require each family justice center to consult with community-based crime victim agencies, survivors of violence and abuse, and their advocates in the operation of the family justice center and to develop a procedure for input, feedback, and evaluation of the family justice center.

The bill would prohibit victims of crime from being denied services at a family justice center on the grounds of criminal history and would prohibit a criminal history search from being conducted 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 National Family Justice Center Alliance, with private funds, to contract with an independent organization to conduct an evaluation and prepare a report on the family justice centers, as specified. The bill would require the independent organization to submit the report to the Office of Privacy Protection and the National Family Justice Center Alliance for review and comment, and then submit the report to the Assembly Committee on Judiciary, the Senate Committee on Judiciary, the Assembly Committee on Public Safety, and the Senate Committee on Public Safety, no later than January 1, 2013. This bill would allow the National Family Justice Center Alliance to submit recommendations for statewide legislation, best practices, and model policies and procedures in its comments to the independent evaluation organization. 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.

The people of the State of California do enact as follows:

SECTION 1. Title 5.3 (commencing with Section 13750) is added to Part 4 of the Penal Code, to read:

TITLE 5.3. FAMILY JUSTICE CENTERS

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

(b) The City of San Diego, the City of Anaheim, the County of Alameda, and the County of Sonoma may each 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, depending on the availability of services, to ensure that victims of abuse are able to access all needed services in one location in order to enhance victim safety, increase offender accountability, and improve access to services for victims of domestic violence, sexual assault, elder or dependent adult abuse, stalking, cyberstalking, cyberbullying, and human trafficking.

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

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

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

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

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

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

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

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

(1) Law enforcement personnel.

(2) Medical personnel.

(3) District attorneys and city attorneys.

(4) Victim-witness program personnel.

(5) Domestic violence shelter service staff.

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

- (7) Social service agency staff members.
- (8) Child welfare agency social workers.
- (9) County health department staff.
- (10) City or county welfare and public assistance workers.
- (11) Nonprofit agency counseling professionals.
- (12) Civil legal service providers.
- (13) Supervised volunteers from partner agencies.
- (14) Other professionals providing services.

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

(f) Victims of crime shall not be denied services on the grounds of criminal history. No criminal history search shall be conducted of a victim at a family justice center without the victim's written consent unless the criminal history search is pursuant to an active criminal investigation.

(g) (1) Each family justice center shall consult with community-based domestic violence, officer-involved domestic violence, sexual assault, elder or dependent adult abuse, stalking, cyberstalking, cyberbullying, and human trafficking agencies in partnership with survivors of violence and abuse and their advocates in the operations process of the family justice center, and shall establish procedures for the ongoing input, feedback, and evaluation of the family justice center by survivors of violence and abuse and community-based crime victim service providers and advocates.

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

(h) (1) Each family justice center shall maintain an informed client consent policy and shall 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, including, but not limited to, medical and legal records. Each family justice center shall have a designated privacy officer to develop and oversee privacy policies and procedures consistent with state and federal privacy laws and the Fair Information Practice Principles. At no time shall a victim be required to sign a client consent form to share information in order to access services.

(2) Each family justice center is required to inform the victim that information shared with staff members at a family justice center may, under certain circumstances, be shared with law enforcement professionals. Each family justice center shall obtain written acknowledgment that the victim has been informed of this policy.

(3) Information obtained from victims in family justice centers shall be privileged and confidential to the extent it is protected from disclosure under existing California law. Nothing in this title related to confidentiality and client-authorized information sharing is intended to change existing state law.

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

(i) (1) The National Family Justice Center Alliance shall, with private funds, contract with an independent organization to conduct an evaluation and prepare a report on the four pilot centers. The independent organization conducting the evaluation shall submit the report to the Office of Privacy Protection and the National Family Justice Center Alliance for review and comment, and then to the Assembly Committee on Judiciary, the Senate Committee on Judiciary, the Assembly Committee on Public Safety, and the Senate Committee on Public Safety, no later than January 1, 2013. The independent organization conducting the evaluation shall, in consultation with the four pilot centers, the National Family Justice Center Alliance, groups that advocate on behalf of victims, community-based crime victim service provider representatives, including one person recommended by the federally recognized state domestic violence coalition, privacy rights organizations, and other relevant stakeholders, develop evaluation criteria, which shall include, but not be limited to, all of the following:

(A) The number of clients served, number of children served, reasons for seeking services at the center, services utilized, and number of returning clients.

(B) Filing, conviction, and dismissal rates for misdemeanor and felony criminal cases handled at the center.

(C) Subjective and objective measurements of the impacts of colocated multiagency services for victims and their children related to safety, empowerment, and mental and emotional well-being, and comparison data from victims, if any, on their access to services outside the family justice center model.

(D) Barriers, if any, to receiving needed services, including access to services based on immigration status, criminal history, or substance abuse/mental health issues, and potential ways to mitigate any identified hurdles to accessing needed services.

(E) Whether privacy, immigration status, or other barriers prevented victims from utilizing a family justice center and, if so, recommendations to improve utilization rates.

(F) Compliance by the four pilot centers, with the service delivery requirements set forth in subdivisions (e), (f), (g), and (h).

(G) Recommended best practices and model protocols, if any.

(2) The independent organization conducting the evaluation shall gather the evaluation data from preservices victim information, postservices exit interviews, victim focus groups, partner agency focus group data, and other evaluation criteria necessary to conduct the evaluation under paragraph (1).

(3) The National Family Justice Center Alliance may include any recommendations for statewide legislation, best practices, and model policies and procedures in the comments submitted to the independent evaluation organization and the Legislature under paragraph (1).

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

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

Approved _____, 2011

Governor