

AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1623

Introduced by Assembly Member Atkins

February 10, 2014

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

AB 1623, as amended, Atkins. Family justice centers.

Existing law, until January 1, 2014, authorized the Cities of Anaheim and San Diego, and the Counties of Alameda and Sonoma to establish, as a 2-year pilot project, 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. That law permitted the family justice centers to be staffed by law enforcement, medical, social service, and child welfare personnel, among others. That law required each family justice center to consult with community-based crime victim agencies, survivors of violence and abuse, and their advocates in the operations process of the family justice center and to develop a procedure for input, feedback, and evaluation of the family justice center.

This bill would reenact and recast those provisions to authorize, commencing January 1, 2015, any city, county, or community-based nonprofit organization to establish a multiagency, multidisciplinary

family justice center to assist victims of domestic violence, sexual assault, elder *or dependent adult* abuse, and human trafficking, as specified. The bill would also specify additional confidentiality provisions relating to information disclosed by a victim in a family justice center, as provided, and would require each family justice center to maintain a mandatory training for all staff members, volunteers, and agency professionals.

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, city and county, or community-based
7 nonprofit organization may each establish a multiagency,
8 multidisciplinary family justice center to assist victims of domestic
9 violence, sexual assault, elder *or dependent adult* abuse, and human
10 trafficking, to ensure that victims of abuse are able to access all
11 needed services in one location in order to enhance victim safety,
12 increase offender accountability, and improve access to services
13 for victims of domestic violence, sexual assault, elder *or dependent*
14 *adult* abuse, and human trafficking.

15 (b) For purposes of this title, the following terms have the
16 following meanings:

17 (1) "Abuse" has the same meaning as set forth in Section 6203
18 of the Family Code.

19 (2) "Domestic violence" has the same meaning as set forth in
20 Section 6211 of the Family Code.

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

24 (4) "Elder *or dependent adult* abuse" means an act made
25 punishable by Section 368.

26 (5) "Human trafficking" has the same meaning as set forth in
27 Section 236.1.

1 (c) For purposes of this title, family justice centers shall be
2 defined as multiagency, multidisciplinary service centers where
3 public and private agencies assign staff members on a full-time or
4 part-time basis in order to provide services to victims of domestic
5 violence, sexual assault, elder *or dependent adult* abuse, or human
6 trafficking from one location in order to reduce the number of
7 times victims must tell their story, reduce the number of places
8 victims must go for help, and increase access to services and
9 support for victims and their children. Staff members at a family
10 justice center may be comprised of, but are not limited to, the
11 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 (d) Nothing in this section is intended to abrogate existing laws
28 regarding privacy or information sharing. Family justice center
29 staff members shall comply with the laws governing their
30 respective professions.

31 (e) Victims of crime shall not be denied services on the grounds
32 of criminal history. No criminal history search shall be conducted
33 of a victim at a family justice center without the victim's written
34 consent unless the criminal history search is pursuant to a criminal
35 investigation.

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

1 (g) (1) Each family justice center shall consult with
2 community-based domestic violence, sexual assault, elder *or*
3 *dependent adult* abuse, and human trafficking agencies in
4 partnership with survivors of violence and abuse and their
5 advocates in the operations process of the family justice center,
6 and shall establish procedures for the ongoing input, feedback,
7 and evaluation of the family justice center by survivors of violence
8 and abuse and community-based crime victim service providers
9 and advocates.

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

21 (h) (1) Each family justice center shall ~~maintain an informed~~
22 *a* client consent policy and shall be in compliance with all state
23 and federal laws protecting the confidentiality of the types of
24 information and documents that may be in a victim's file, including,
25 but not limited to, medical, legal, and victim counselor records.
26 Each family justice center shall have a designated privacy officer
27 to develop and oversee privacy policies and procedures consistent
28 with state and federal privacy laws and the Fair Information
29 Practice Principles promulgated by the United States Department
30 of Homeland Security. At no time shall a victim be required to
31 sign a client consent form to share information in order to access
32 services.

33 (2) Each family justice center is required to ~~inform the victim~~
34 ~~that information shared with staff members at a family justice~~
35 ~~center may, under certain circumstances, be shared with law~~
36 ~~enforcement professionals. Each family justice center shall obtain~~
37 ~~written acknowledgment that the victim has been informed of this~~
38 ~~policy: obtain informed, written, reasonably time limited, consent~~
39 *from the victim before sharing information obtained from the victim*

1 *with any staff member or agency partner, except as provided in*
2 *paragraphs (3) and (4).*

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

8 ~~(4) 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 *(3) A family justice center is not required to obtain consent from*
13 *the victim before sharing information obtained from the victim*
14 *with any staff member or agency partner if the person is a*
15 *mandated reporter, a peace officer, or a member of the prosecution*
16 *team and is required to report or disclose specific information or*
17 *incidents. These persons shall inform the victim that they may*
18 *share information obtained from the victim without the victim's*
19 *consent.*

20 *(4) Each family justice center is required to inform the victim*
21 *that information shared with staff members or partner agencies*
22 *at a family justice center may be shared with law enforcement*
23 *professionals without the victim's consent if there is a mandatory*
24 *duty to report, or the client is a danger to himself or herself, or*
25 *others. Each family justice center shall obtain written*
26 *acknowledgment that the victim has been informed of this policy.*

27 ~~(5) An authorization~~ *Consent* by a victim for sharing information
28 within a family justice center pursuant to this section shall not be
29 construed as a universal waiver of any existing evidentiary
30 privilege that makes confidential any communications or
31 documents between the victim and any service provider, including,
32 but not limited to, any lawyer, advocate, sexual assault or domestic
33 violence counselor as defined in Section 1035.2 or 1037.1 of the
34 Evidence Code, human trafficking caseworker as defined in Section
35 1038.2 of the Evidence Code, therapist, doctor, or nurse. Any oral
36 or written communication or any document authorized by the
37 victim to be shared for the purposes of enhancing safety and
38 providing more effective and efficient services to the victim of
39 domestic violence, sexual assault, elder *or dependent adult* abuse,
40 or human trafficking shall not be disclosed to any third party,

1 unless that third-party disclosure is authorized by the victim, or
2 required by other state or federal law or by court order.

3 (i) An individual staff member, volunteer, or agency that has
4 victim information governed by this section shall not be required
5 to disclose that information unless the victim has ~~authorized~~
6 *consented to* the disclosure or it is otherwise required by other
7 state or federal law or by court order.

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

26 13751. Each family justice center established pursuant to
27 subdivision (a) of Section 13750 shall maintain a formal training
28 program with mandatory training for all staff members, volunteers,
29 and agency professionals of not less than eight hours per year on
30 subjects, including, but not limited to, privileges and
31 confidentiality, information sharing, risk assessment, safety
32 planning, victim advocacy, and high-risk case response.

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