

ASSEMBLY BILL

No. 2084

Introduced by Assembly Member Karnette

February 16, 2006

An act to amend Sections 26840.7 and 26840.8 of the Government Code, and to repeal and add Chapter 5 (commencing with Section 18290) of Part 6 of Division 9 of the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 2084, as introduced, Karnette. Domestic violence shelter-based programs.

Existing law provides for the funding of county programs to assist victims of domestic violence. Under existing law, a portion of each fee paid at the time of issuance of a marriage license and of authorization for the performance of a marriage is required to be collected for deposit into the county domestic violence programs special fund. Existing law requires the fees collected in the special fund to be disbursed to approved domestic violence programs on a yearly or more frequent basis.

Existing law sets forth the requirements applicable to counties distributing funds to these programs, and also sets forth eligibility, operation, and reporting requirements for the domestic violence programs and centers to which funding is provided. When a county lacks sufficient funds in the county domestic violence programs special fund to finance basic domestic violence shelter services, and community resources are not available, existing law authorizes the county to finance one or more of those basic services.

This bill would redesignate the domestic violence programs and centers as “domestic violence shelter-based programs.” The bill would

recast and revise the requirements applicable to these programs and to counties, including, among other provisions, revising the definition of domestic violence for purposes of the bill, and specifying that a domestic violence shelter-based program is required to comply with the federal Americans with Disabilities Act.

This bill would limit a county’s ability to require information from domestic violence shelter-based programs funded by the bill, and would prohibit a county from requiring information in a manner inconsistent with the federal Violence Against Women Act.

This bill would identify the primary purpose of the process to determine eligibility of a domestic violence shelter-based program for funding is to ascertain that the program meets applicable service requirements. It would specify that domestic violence shelter-based programs funded under the bill would be authorized to use the funds in an unrestricted manner, to provide both direct and indirect services.

This bill would eliminate the authority of the county to fund basic domestic violence program services when it lacks sufficient funds in the domestic violence shelter-based program special fund and community resources are not available.

By revising the duties applicable to counties providing funding to domestic violence shelter-based programs, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 26840.7 of the Government Code is
- 2 amended to read:
- 3 26840.7. In addition to the fee prescribed by Section 26840
- 4 and as authorized by Section 26840.3, the county clerk shall
- 5 collect a fee of twenty-three dollars (\$23) at the time of issuance

1 of the license. The fee shall be disposed of by the clerk pursuant
 2 to Chapter 5 (commencing with Section 18290) of Part 6 of
 3 Division 9 of the Welfare and Institutions Code. Of this amount,
 4 four dollars (\$4) shall be used, to the extent feasible, to develop
 5 or expand domestic violence ~~centers~~ *shelter-based programs* to
 6 target underserved areas and populations.

7 SEC. 2. Section 26840.8 of the Government Code is amended
 8 to read:

9 26840.8. In addition to the fee prescribed by Section 26840.1
 10 and as authorized by Section 26840.3, the person issuing an
 11 authorization for the performance of a marriage pursuant to Part
 12 4 (commencing with Section 500) of Division 3 of the Family
 13 Code or the county clerk, upon providing a blank authorization
 14 form pursuant to Part 4 (commencing with Section 500) of
 15 Division 3 of the Family Code, shall collect a fee of twenty-three
 16 dollars (\$23) at the time of providing the authorization. The fee
 17 shall be disposed of pursuant to Chapter 5 (commencing with
 18 Section 18290) of Part 6 of Division 9 of the Welfare and
 19 Institutions Code. Of this amount, four dollars (\$4) shall be used,
 20 to the extent feasible, to develop or expand domestic violence
 21 ~~centers~~ *shelter-based programs* to target underserved areas and
 22 populations.

23 SEC. 3. Chapter 5 (commencing with Section 18290) of Part
 24 6 of Division 9 of the Welfare and Institutions Code is repealed.

25 SEC. 4. Chapter 5 (commencing with Section 18290) is
 26 added to Part 6 of Division 9 of the Welfare and Institutions
 27 Code, to read:

28
 29 CHAPTER 5. THE DOMESTIC VIOLENCE
 30 SHELTER-BASED PROGRAMS ACT
 31

32 18290. The Legislature hereby finds and declares that there is
 33 a present and growing need to develop innovative strategies and
 34 services to ameliorate and reduce the trauma of domestic
 35 violence. There are hundreds of thousands of persons in
 36 California who are regularly beaten. In many cases, the acts of
 37 domestic violence lead to the death of one of the involved
 38 parties. Victims of domestic violence come from all
 39 socioeconomic classes and ethnic groups, though it is the poor
 40 who suffer most from marital violence, since they have no

1 immediate access to private counseling and shelter for
2 themselves and their children. Children, even when they are not
3 physically assaulted, very often suffer deep and lasting emotional
4 effects, and it is most often the children of those parents who
5 commit domestic violence that continue the cycle and abuse their
6 spouses.

7 The Legislature further finds and declares that there is a high
8 incidence of death and injury sustained by law enforcement
9 officers in the handling of domestic disturbances. Police arrests
10 for domestic violence are low, and victims are reluctant to press
11 charges or make citizens arrests. Furthermore, instances of
12 domestic violence are considered to be the single most
13 unreported crime in the state.

14 It is the intent of the Legislature to begin to explore and
15 determine ways of achieving reductions in serious and fatal
16 injuries to the victims of domestic violence and begin to clarify
17 the problems, causes, and cures of domestic violence. In order to
18 achieve these results, it is the intent of the Legislature that the
19 state shall support projects in several areas throughout the state
20 for the purpose of aiding victims of domestic violence by
21 providing them a place to escape the destructive environment.

22 18291. For purposes of this chapter:

23 (a) "Domestic violence" means abuse committed against an
24 adult or a minor who is a spouse, former spouse, cohabitant,
25 former cohabitant, or person with whom the suspect has had a
26 child or is having or has had a dating or engagement relationship.

27 (b) "Cohabitant" means two unrelated adult persons living
28 together for a substantial period of time, resulting in some
29 permanency of relationship. Factors that may determine whether
30 persons are cohabiting include, but are not limited to, all of the
31 following:

32 (1) Sexual relations between the parties while sharing the
33 same living quarters.

34 (2) Sharing of income or expenses.

35 (3) Joint use or ownership of property.

36 (4) Whether the parties hold themselves out as husband and
37 wife.

38 (5) The continuity of the relationship.

39 (6) The length of the relationship.

1 18293. (a) In order to be eligible for funding pursuant to this
2 chapter, a domestic violence shelter-based program shall
3 demonstrate its ability to receive and make use of any funds
4 available from governmental, voluntary, philanthropic, or other
5 sources that may be used to augment any state or county funds
6 appropriated for the purposes of this chapter. Each domestic
7 violence shelter-based program shall make every attempt to
8 qualify the domestic violence shelter-based program for any
9 available federal funding.

10 (b) No provision of this section is intended to prohibit
11 domestic violence shelter-based programs receiving funds
12 pursuant to this chapter from receiving additional funds from any
13 other public or private source. Funds provided pursuant to this
14 chapter shall not be used to reduce the financial support from
15 other public or private sources.

16 (c) Proposed or existing domestic violence shelter-based
17 programs that meet the requirements set forth in Section 18294,
18 shall receive funding pursuant to this chapter upon the approval
19 of the local board of supervisors.

20 (d) Priority for funding shall be given to agencies and
21 organizations whose primary function is to administer domestic
22 violence shelter-based programs.

23 (e) Prior to approving a domestic violence shelter-based
24 program or programs for this funding, the board shall consult
25 with individuals and groups that have expertise in the problems
26 of domestic violence and in the operation of domestic violence
27 shelter-based programs including operations of existing domestic
28 violence shelter-based programs.

29 (f) Upon approving one or more domestic violence
30 shelter-based programs for funding, the board shall direct the
31 county treasurer to disburse moneys from the county's domestic
32 violence shelter-based program special fund and for funding, the
33 board shall designate a local agency to monitor the domestic
34 violence shelter-based program or programs. This monitoring
35 shall include information regarding the number of persons
36 requesting services, the number of persons receiving services
37 according to the type of services provided, and the need, if any,
38 for additional services or staffing.

39 (g) A domestic violence shelter-based program that receives
40 funding pursuant to this chapter shall meet the applicable

1 standards of Titles II and III of the federal Americans with
2 Disabilities Act (42 U.S.C.A. Sec. 12101 et seq.) and federal
3 regulations adopted thereto.

4 (h) The process to determine eligibility of a domestic violence
5 shelter-based program to receive funding pursuant to this chapter
6 shall have as its primary purpose to ascertain that the program
7 meets the service requirements of Section 18294. The process
8 shall be expedient and shall include a mechanism for annual
9 recertification.

10 (i) Funding obtained pursuant to this chapter is for the
11 unrestricted use of a recipient domestic violence shelter-based
12 program, and may be used to provide both direct and indirect
13 services.

14 18294. Domestic violence shelter-based programs shall
15 provide all of the following basic services to victims of domestic
16 violence and their children:

- 17 (a) Shelter on a 24 hours a day, seven days a week basis.
- 18 (b) A 24 hours a day, seven days a week switchboard for crisis
19 calls.
- 20 (c) Temporary housing and food facilities.
- 21 (d) Psychological support and peer counseling.
- 22 (e) Referrals to existing services in the community and
23 followup on the outcome of the referrals.
- 24 (f) A drop-in center to assist victims of domestic violence who
25 have not yet made the decision to leave their homes, or who have
26 found other shelter but who have a need for support services.
- 27 (g) Arrangements for school-age children to continue their
28 education during their stay at the domestic violence shelter-based
29 program.

30 (h) Emergency transportation to the shelter, and when
31 appropriate, arrangements with local law enforcement for
32 assistance in providing that transportation.

33 18295. In addition to the services required in Section 18294,
34 to the extent possible, and in conjunction with already existing
35 community services, the domestic violence shelter-based
36 programs shall provide a method of obtaining the following
37 services for the victims of domestic violence:

- 38 (a) Medical care.
- 39 (b) Legal assistance.
- 40 (c) Psychological support and counseling.

1 (d) Information regarding reeducation, marriage and family
2 counseling, job counseling and training programs, housing
3 referrals and other available social services.

4 18296. The staff of the domestic violence shelter-based
5 program shall work with social service agencies, schools, and
6 law enforcement agencies in an advocacy capacity for those
7 served by the domestic violence shelter-based programs.

8 18297. The staff of each domestic violence shelter-based
9 program shall attempt to achieve community support and
10 acceptance of the program by advocating the program to
11 community representatives and groups within the community.

12 Volunteers shall be trained and used to maximum capacity in
13 the delivery of services.

14 18298. Inasmuch as domestic violence shelter-based
15 programs are to serve a variety of cultural backgrounds, to the
16 extent feasible, a portion of the domestic violence shelter-based
17 program's personnel shall be bilingual. An effort shall be made
18 to recruit formerly battered spouses as staff members.

19 18299. A domestic violence shelter-based program shall
20 maintain annual fiscal reports in a form to be prescribed by the
21 county auditor and controller.

22 18300. An annual report shall be prepared by each domestic
23 violence shelter-based program for submission to the county
24 board of supervisors. The report shall be made available to the
25 public upon request, and shall include all of the following
26 elements:

27 (a) The total number of persons requesting services of the
28 domestic violence shelter-based programs.

29 (b) The number of persons served in the domestic violence
30 shelter-based program, by each type of service provided.

31 (c) A description of the social and economic characteristics of
32 persons receiving services, by type of service provided.

33 18301. A county shall not require a domestic violence
34 shelter-based program to provide any information not
35 enumerated in Section 18300, or require the disclosure of any
36 information pertaining to the confidential location of a domestic
37 violence shelter-based program or the location or identity of any
38 shelter resident, employee, or volunteer. A county shall not
39 require a method of data collection or recording, or impose any

1 other requirement, that is inconsistent with the federal Violence
2 Against Women Act (18 U.S.C. 2261 et seq.).

3 18304. A county may establish a program for reducing the
4 incidence of domestic violence in the county by establishing or
5 funding domestic violence shelter-based programs that meet the
6 requirements of this chapter. Geographically adjacent counties
7 may combine their respective domestic violence shelter-based
8 programs special funds in order to establish one or more
9 domestic violence shelter-based programs meeting the
10 requirements of this chapter, in order to provide services to the
11 clients of each county that combines its funds with another
12 county.

13 18305. (a) At the time of issuance of a marriage license
14 pursuant to Section 26840 of the Government Code, twenty-three
15 dollars (\$23) of each fee paid shall be collected by the county
16 clerk for deposit into the county domestic violence shelter-based
17 programs special fund. The fees collected in this special fund
18 shall be disbursed to approved domestic violence shelter-based
19 programs on a yearly or more frequent basis commencing July 1,
20 1980.

21 (b) The board of supervisors shall direct the county clerk to
22 deposit twenty-three dollars (\$23) of each fee into the county
23 domestic violence shelter-based programs special fund. The
24 county domestic violence shelter-based programs special fund
25 shall fund domestic violence shelter-based programs established
26 pursuant to Section 18304. Four dollars (\$4) of each twenty-three
27 dollars (\$23) deposited into the county domestic violence
28 shelter-based programs special fund shall be used, to the extent
29 feasible, to develop or expand domestic violence shelter-based
30 programs to target underserved areas and populations. No more
31 than 8 percent of the funds shall be expended for the
32 administrative costs associated with the collection and
33 segregation of the additional marriage license fees,
34 administration of the county domestic violence shelter-based
35 programs special fund, monitoring of the domestic violence
36 shelter-based programs, and meeting the other administrative
37 requirements imposed by this chapter. Counties that do not
38 participate in the establishing or funding of domestic violence
39 shelter-based programs pursuant to this chapter shall be entitled
40 to retain up to 4 percent of the funds for the administrative costs

1 associated with the collection and segregation of the additional
2 marriage license fees and the deposit of these fees in the county
3 domestic violence shelter-based programs special fund.

4 18306. The county board of supervisors shall consult with the
5 local regional domestic violence coalition, consisting of
6 representatives from existing domestic violence shelter-based
7 programs, in planning for the establishment of a new domestic
8 violence shelter-based program or for ongoing technical
9 assistance for domestic violence shelter-based programs already
10 in the county.

11 18307. (a) Notwithstanding Section 18305, a county may
12 carry over funds deposited in a county domestic violence
13 shelter-based programs special fund until the time that a domestic
14 violence shelter-based program is established to serve the needs
15 of domestic violence victims of the county. Records of these
16 funds shall be available for public review upon request.

17 (b) Funds deposited in a county domestic violence
18 shelter-based programs special fund may be used only to finance
19 all, or one or more, basic services specified in Section 18294.
20 This subdivision is declaratory of existing law.

21 18309. (a) The Alameda County Board of Supervisors shall
22 direct the local registrar, county recorder, and county clerk to
23 deposit fees collected pursuant to Section 26840.10 of the
24 Government Code and Section 103627 of the Health and Safety
25 Code into a special fund. The county may retain up to 4 percent
26 of the funds for administrative costs associated with the
27 collection and segregation of the additional fees and the deposit
28 of these fees into the special fund. Proceeds from the fund shall
29 be used for governmental oversight and coordination of domestic
30 violence and family violence prevention, intervention, and
31 prosecution efforts among the court system, the district attorney's
32 office, the public defender's office, law enforcement, the
33 probation department, mental health, substance abuse, child
34 welfare services, adult protective services, and community-based
35 organizations and other agencies working in Alameda County in
36 order to increase the effectiveness of prevention, early
37 intervention, and prosecution of domestic and family violence.

38 (b) The City Council of the City of Berkeley shall direct the
39 local registrar to deposit fees collected pursuant to Section
40 103627 of the Health and Safety Code into a special fund. The

1 city may retain up to 4 percent of the funds for administrative
2 costs associated with the collection and segregation of the
3 additional fees and the deposit of these fees into the special fund.
4 Proceeds from the fund shall be used for governmental oversight
5 and coordination of domestic violence and family violence
6 prevention and intervention efforts, including law enforcement,
7 mental health, public health, substance abuse, victim advocacy,
8 community education, and housing, in order to increase the
9 effectiveness of prevention, early intervention, and prosecution
10 of domestic and family violence.

11 (c) This section shall remain in effect only until January 1,
12 2010, and as of that date is repealed, unless a later enacted statute
13 deletes or extends that date.

14 18309.5. (a) The Solano County Board of Supervisors shall
15 direct the local registrar, county recorder, and county clerk to
16 deposit fees collected pursuant to Section 26840.11 of the
17 Government Code and Section 103628 of the Health and Safety
18 Code into a special fund.

19 The county may retain up to 4 percent of the fund for
20 administrative costs associated with the collection and
21 segregation of the additional fees and the deposit of these fees
22 into the special fund. Proceeds from the fund shall be used for
23 governmental oversight and coordination of domestic violence
24 and family violence prevention, intervention, and prosecution
25 efforts among the court system, the district attorney’s office, the
26 public defender’s office, law enforcement, the probation
27 department, mental health, substance abuse, child welfare
28 services, adult protective services, and community-based
29 organizations and other agencies working in Solano County in
30 order to increase the effectiveness of prevention, early
31 intervention, and prosecution of domestic and family violence.

32 (b) This section shall remain in effect only until January 1,
33 2010, and as of that date is repealed, unless a later enacted
34 statute, that is enacted before January 1, 2010, deletes or extends
35 that date.

36 SEC. 5. If the Commission on State Mandates determines that
37 this act contains costs mandated by the state, reimbursement to
38 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O