

AMENDED IN ASSEMBLY MARCH 21, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

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 amended, 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 and that these funds may be used for both direct and indirect services costs.~~

~~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:

1 26840.7. In addition to the fee prescribed by Section 26840
 2 and as authorized by Section 26840.3, the county clerk shall
 3 collect a fee of twenty-three dollars (\$23) at the time of issuance
 4 of the license. The fee shall be disposed of by the clerk pursuant
 5 to Chapter 5 (commencing with Section 18290) of Part 6 of
 6 Division 9 of the Welfare and Institutions Code. Of this amount,
 7 four dollars (\$4) shall be used, to the extent feasible, to develop
 8 or expand domestic violence shelter-based programs to target
 9 underserved areas and populations.

10 SEC. 2. Section 26840.8 of the Government Code is amended
 11 to read:

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

26 SEC. 3. Chapter 5 (commencing with Section 18290) of Part
 27 6 of Division 9 of the Welfare and Institutions Code is repealed.

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

31
 32 CHAPTER 5. ~~THE DOMESTIC VIOLENCE~~
 33 ~~SHELTER-BASED PROGRAMS ACT~~ *THE DOMESTIC VIOLENCE*
 34 *SHELTER-BASED PROGRAMS ACT*
 35

36 18290. The Legislature hereby finds and declares that there is
 37 a present and growing need to develop innovative strategies and
 38 services to ameliorate and reduce the trauma of domestic
 39 violence. There are hundreds of thousands of persons in
 40 California who are regularly ~~beaten~~ *abused*. In many cases, the

1 acts of domestic violence lead to the death of one of the involved
2 parties. Victims of domestic violence come from all
3 socioeconomic classes and ethnic groups, though it is the poor
4 who suffer most from ~~marital domestic~~ violence, since they have
5 no immediate access to private counseling and shelter for
6 themselves and their children. Children, even when they are not
7 physically assaulted, very often suffer deep and lasting emotional
8 effects, ~~and it is most often the children of those parents who~~
9 ~~commit domestic violence that continue the cycle and abuse their~~
10 ~~spouses.~~ *effects.*

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

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

26 18291. For purposes of this chapter:

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

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

36 (1) Sexual relations between the parties while sharing the
37 same living quarters.

38 (2) Sharing of income or expenses.

39 (3) Joint use or ownership of property.

1 (4) Whether the parties hold themselves out as husband and
2 wife.

3 (5) The continuity of the relationship.

4 (6) The length of the relationship.

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

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

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

24 (d) ~~Priority for funding~~ *Funding* shall be given to agencies
25 and organizations whose primary function is to administer
26 domestic violence shelter-based programs.

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

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

1 according to the type of services provided, and the need, if any,
 2 for additional services or staffing.

3 (g) A domestic violence shelter-based program that receives
 4 funding pursuant to this chapter shall meet the applicable
 5 standards of Titles II and III of the federal Americans with
 6 Disabilities Act (42 U.S.C.A. Sec. 12101 et seq.) and federal
 7 regulations adopted thereto.

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

14 (i) Funding obtained pursuant to this chapter is for the
 15 unrestricted use of a recipient domestic violence shelter-based
 16 program, and may be used to provide both direct and indirect
 17 services for direct and indirect costs.

18 18294. Domestic violence shelter-based programs shall
 19 provide all of the following basic services to victims of domestic
 20 violence and their children:

- 21 (a) Shelter on a 24 hours a day, seven days a week basis.
- 22 (b) A 24 hours a day, seven days a week switchboard for crisis
 23 calls.
- 24 (c) Temporary housing and food facilities.
- 25 (d) Psychological support and peer counseling.
- 26 (e) Referrals to existing services in the ~~community and~~
 27 ~~followup on the outcome of the referrals.~~ *community.*
- 28 (f) ~~A drop-in center to assist victims of domestic violence who~~
 29 ~~have not yet made the decision to leave their homes, or who have~~
 30 ~~found other shelter but who have a need for support services.~~
 31 (f) *A drop-in center that operates during normal business*
 32 *hours to assist victims of domestic violence who have a need for*
 33 *support services.*
- 34 (g) Arrangements for school-age children to continue their
 35 education during their stay at the domestic violence shelter-based
 36 program.
- 37 (h) ~~Emergency transportation to the shelter, and when~~
 38 ~~appropriate, arrangements with local law enforcement for~~
 39 ~~assistance in providing that transportation.~~
- 40 (h) *Emergency transportation as feasible.*

1 18295. In addition to the services required in Section 18294,
2 to the extent possible, and in conjunction with already existing
3 community services, the domestic violence shelter-based
4 programs shall provide a method of obtaining the following
5 services for the victims of domestic violence:

6 (a) Medical care.

7 (b) Legal assistance.

8 (c) Psychological support and counseling.

9 ~~(d) Information regarding reeducation, marriage and family~~
10 ~~counseling, job counseling and training programs, housing~~
11 ~~referrals and other available social services.~~

12 (d) *Information regarding other available social services.*

13 18296. The staff of the domestic violence shelter-based
14 program shall work with social service agencies, schools, and
15 law enforcement agencies in an advocacy capacity for those
16 served by the domestic violence shelter-based programs.

17 18297. The staff of each domestic violence shelter-based
18 program shall attempt to achieve community support and
19 acceptance of the program by advocating the program to
20 community representatives and groups within the community.

21 Volunteers shall be trained and used to maximum capacity in
22 the delivery of services.

23 18298. Inasmuch as domestic violence shelter-based
24 programs are to serve a variety of cultural backgrounds, to the
25 extent feasible, a portion of the domestic violence shelter-based
26 program's personnel shall be bilingual. An effort shall be made
27 to recruit formerly battered spouses as staff members.

28 18299. A domestic violence shelter-based program shall
29 maintain annual fiscal reports in a form to be prescribed by the
30 ~~county auditor and controller~~ *Generally Accepted Accounting*
31 *Principles (GAAP).*

32 18300. An annual report shall be prepared by each domestic
33 violence shelter-based program for submission to the county
34 board of supervisors. The report shall be made available to the
35 public upon request, and shall include all of the following
36 elements:

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

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

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

3 18301. A county shall not require a domestic violence
4 shelter-based program to provide any information not
5 enumerated in Section 18300, or require the disclosure of any
6 information pertaining to the confidential location of a domestic
7 violence shelter-based program or the location or identity of any
8 shelter resident, employee, or volunteer. A county shall not
9 require a method of data collection or recording, or impose any
10 other requirement, that is inconsistent with the federal Violence
11 Against Women Act (18 U.S.C. *Sec.* 2261 et seq.).

12 18304. A county may establish a program for reducing the
13 incidence of domestic violence in the county by establishing or
14 funding domestic violence shelter-based programs that meet the
15 requirements of this chapter. Geographically adjacent counties
16 may combine their respective domestic violence shelter-based
17 programs special funds in order to establish one or more
18 domestic violence shelter-based programs meeting the
19 requirements of this chapter, in order to provide services to the
20 clients of each county that combines its funds with another
21 county.

22 18305. (a) At the time of issuance of a marriage license
23 pursuant to Section 26840 of the Government Code, twenty-three
24 dollars (\$23) of each fee paid shall be collected by the county
25 clerk for deposit into the county domestic violence shelter-based
26 programs special fund. The fees collected in this special fund
27 shall be disbursed to approved domestic violence shelter-based
28 programs on a yearly or more frequent basis commencing July 1,
29 1980. *The funds shall be disbursed using a request for*
30 *qualification (RFQ) process.*

31 (b) The board of supervisors shall direct the county clerk to
32 deposit twenty-three dollars (\$23) of each fee into the county
33 domestic violence shelter-based programs special fund. The
34 county domestic violence shelter-based programs special fund
35 shall fund domestic violence shelter-based programs established
36 pursuant to Section 18304. Four dollars (\$4) of each twenty-three
37 dollars (\$23) deposited into the county domestic violence
38 shelter-based programs special fund shall be used, to the extent
39 feasible, to ~~develop~~ *support* or expand domestic violence
40 shelter-based programs to target underserved areas and

1 populations. No more than 8 percent of the funds shall be
2 expended for the administrative costs associated with the
3 collection and segregation of the additional marriage license fees,
4 administration of the county domestic violence shelter-based
5 programs special fund, monitoring of the domestic violence
6 shelter-based programs, and meeting the other administrative
7 requirements imposed by this chapter. Counties that do not
8 participate in the establishing or funding of domestic violence
9 shelter-based programs pursuant to this chapter shall be entitled
10 to retain up to 4 percent of the funds for the administrative costs
11 associated with the collection and segregation of the additional
12 marriage license fees and the deposit of these fees in the county
13 domestic violence shelter-based programs special fund.

14 *18305.5. In the event that a county does not have sufficient*
15 *funds in the county domestic violence programs special fund to*
16 *finance all the basic services provided by domestic violence*
17 *shelter-based programs that are specified in Section 18294, and*
18 *community resources are not available to finance these basic*
19 *services, the county may finance one or more of these basic*
20 *services.*

21 18306. The county board of supervisors shall consult with the
22 local regional domestic violence coalition, consisting of
23 representatives from existing domestic violence shelter-based
24 programs, in planning for the establishment of a new domestic
25 violence shelter-based program or for ongoing technical
26 assistance for domestic violence shelter-based programs already
27 in the county.

28 18307. (a) Notwithstanding Section 18305, a county may
29 carry over funds deposited in a county domestic violence
30 shelter-based programs special fund until the time that a domestic
31 violence shelter-based program is established to serve the needs
32 of domestic violence victims of the county. Records of these
33 funds shall be available for public review upon request.

34 (b) Funds deposited in a county domestic violence
35 shelter-based programs special fund may be used only to finance
36 all, or one or more, basic services specified in Section 18294.
37 This subdivision is declaratory of existing law. *These funds shall*
38 *be used for shelter services, and may be used for direct or*
39 *indirect costs.*

1 18309. (a) The Alameda County Board of Supervisors shall
2 direct the local registrar, county recorder, and county clerk to
3 deposit fees collected pursuant to Section 26840.10 of the
4 Government Code and Section 103627 of the Health and Safety
5 Code into a special fund. The county may retain up to 4 percent
6 of the funds for administrative costs associated with the
7 collection and segregation of the additional fees and the deposit
8 of these fees into the special fund. Proceeds from the fund shall
9 be used for governmental oversight and coordination of domestic
10 violence and family violence prevention, intervention, and
11 prosecution efforts among the court system, the district attorney's
12 office, the public defender's office, law enforcement, the
13 probation department, mental health, substance abuse, child
14 welfare services, adult protective services, and community-based
15 organizations and other agencies working in Alameda County in
16 order to increase the effectiveness of prevention, early
17 intervention, and prosecution of domestic and family violence.

18 (b) The City Council of the City of Berkeley shall direct the
19 local registrar to deposit fees collected pursuant to Section
20 103627 of the Health and Safety Code into a special fund. The
21 city may retain up to 4 percent of the funds for administrative
22 costs associated with the collection and segregation of the
23 additional fees and the deposit of these fees into the special fund.
24 Proceeds from the fund shall be used for governmental oversight
25 and coordination of domestic violence and family violence
26 prevention and intervention efforts, including law enforcement,
27 mental health, public health, substance abuse, victim advocacy,
28 community education, and housing, in order to increase the
29 effectiveness of prevention, early intervention, and prosecution
30 of domestic and family violence.

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

34 18309.5. (a) The Solano County Board of Supervisors shall
35 direct the local registrar, county recorder, and county clerk to
36 deposit fees collected pursuant to Section 26840.11 of the
37 Government Code and Section 103628 of the Health and Safety
38 Code into a special fund.

39 The county may retain up to 4 percent of the fund for
40 administrative costs associated with the collection and

1 segregation of the additional fees and the deposit of these fees
2 into the special fund. Proceeds from the fund shall be used for
3 governmental oversight and coordination of domestic violence
4 and family violence prevention, intervention, and prosecution
5 efforts among the court system, the district attorney's office, the
6 public defender's office, law enforcement, the probation
7 department, mental health, substance abuse, child welfare
8 services, adult protective services, and community-based
9 organizations and other agencies working in Solano County in
10 order to increase the effectiveness of prevention, early
11 intervention, and prosecution of domestic and family violence.

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

16 SEC. 5. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.