

AMENDED IN SENATE JUNE 22, 2006

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 of 1990.

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, and that these funds may be used for both direct and indirect 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:

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

12 SEC. 2. Section 26840.8 of the Government Code is amended
13 to read:

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

28 SEC. 3. Chapter 5 (commencing with Section 18290) of Part
29 6 of Division 9 of the Welfare and Institutions Code is repealed.

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

33

34 CHAPTER 5. THE DOMESTIC VIOLENCE SHELTER-BASED
35 PROGRAMS ACT

36

37 18290. The Legislature hereby finds and declares that there is
38 a present and growing need to develop innovative strategies and

1 services to ameliorate and reduce the trauma of domestic
2 violence. There are hundreds of thousands of persons in
3 California who are regularly abused. In many cases, the acts of
4 domestic violence lead to the death of one of the involved
5 parties. Victims of domestic violence come from all
6 socioeconomic classes and ethnic groups, though it is the poor
7 who suffer most from domestic violence, since they have no
8 immediate access to private counseling and shelter for
9 themselves and their children. Children, even when they are not
10 physically assaulted, very often suffer deep and lasting emotional
11 effects.

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

19 It is the intent of the Legislature to begin to explore and
20 determine ways of achieving reductions in serious and fatal
21 injuries to the victims of domestic violence and begin to clarify
22 the problems, causes, and cures of domestic violence. In order to
23 achieve these results, it is the intent of the Legislature that the
24 state shall support projects in several areas throughout the state
25 for the purpose of aiding victims of domestic violence by
26 providing them a place to escape the destructive environment *in*
27 *a confidential location, on a 24 hour basis, where staff meet the*
28 *requirements set forth in Section 1037.1 of the Evidence Code.*

29 18291. For purposes of this chapter:

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

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

39 (1) Sexual relations between the parties while sharing the
40 same living quarters.

- 1 (2) Sharing of income or expenses.
- 2 (3) Joint use or ownership of property.
- 3 (4) Whether the parties hold themselves out as husband and
- 4 wife.
- 5 (5) The continuity of the relationship.
- 6 (6) The length of the relationship.
- 7 (c) *“Domestic violence shelter” means a shelter for domestic*
- 8 *violence victims that meets all of the following requirements:*
- 9 (1) *Provides shelter in a confidential location.*
- 10 (2) *Provides staff that meet the requirements set forth in*
- 11 *Section 1037.1 of the Evidence Code.*
- 12 (3) *Meets the requirements set forth in Section 18294.*
- 13 18293. (a) In order to be eligible for funding pursuant to this
- 14 chapter, a domestic violence shelter-based program shall
- 15 demonstrate its ability to receive and make use of any funds
- 16 available from governmental, voluntary, philanthropic, or other
- 17 sources that may be used to augment any state or county funds
- 18 appropriated for the purposes of this chapter. Each domestic
- 19 violence shelter-based program shall make every attempt to
- 20 qualify the domestic violence shelter-based program for any
- 21 available federal funding.
- 22 (b) No provision of this section is intended to prohibit
- 23 domestic violence shelter-based programs receiving funds
- 24 pursuant to this chapter from receiving additional funds from any
- 25 other public or private source. Funds provided pursuant to this
- 26 chapter shall not be used to reduce the financial support from
- 27 other public or private sources.
- 28 (c) Proposed or existing domestic violence shelter-based
- 29 programs that meet the requirements set forth in Section 18294,
- 30 shall receive funding pursuant to this chapter upon the approval
- 31 of the local board of supervisors.
- 32 (d) Funding shall be given to agencies and organizations
- 33 whose primary function is to administer domestic violence
- 34 shelter-based programs.
- 35 (e) Prior to approving a domestic violence shelter-based
- 36 program or programs for this funding, the board shall consult
- 37 with individuals and groups that have expertise in the problems
- 38 of domestic violence and in the operation of domestic violence
- 39 shelter-based programs including operations of existing domestic
- 40 violence shelter-based programs.

1 (f) Upon approving one or more domestic violence
 2 shelter-based programs for funding, the board shall direct the
 3 county treasurer to disburse moneys from the county’s domestic
 4 violence shelter-based program special fund and for funding, the
 5 board shall designate a local agency to monitor the domestic
 6 violence shelter-based program or programs. This monitoring
 7 shall include information regarding the number of persons
 8 requesting services, the number of persons receiving services
 9 according to the type of services provided, and the need, if any,
 10 for additional services or staffing.

11 (g) A domestic violence shelter-based program that receives
 12 funding pursuant to this chapter shall meet the applicable
 13 standards of Titles II and III of the federal Americans with
 14 Disabilities Act of 1990 (42 U.S.C.A. Sec. 12101 et seq.) and
 15 federal regulations adopted thereto.

16 (h) The process to determine eligibility of a domestic violence
 17 shelter-based program to receive funding pursuant to this chapter
 18 shall have as its primary purpose to ascertain that the program
 19 meets the service requirements of Section 18294. The process
 20 shall be expedient and shall include a mechanism for annual
 21 recertification.

22 (i) Funding obtained pursuant to this chapter is for the
 23 unrestricted use of a recipient domestic violence shelter-based
 24 program, and may be used for direct and indirect costs.

25 18294. Domestic violence shelter-based programs shall
 26 provide all of the following basic services to victims of domestic
 27 violence and their children:

- 28 (a) Shelter on a 24 hours a day, seven days a week basis.
- 29 (b) A 24 hours a day, seven days a week ~~switchboard~~ *toll-free*
 30 *telephone hotline* for crisis calls.
- 31 (c) Temporary housing and food facilities.
- 32 (d) Psychological support and peer counseling *provided in*
 33 *accordance with Section 1037.1 of the Evidence Code.*
- 34 (e) Referrals to existing services in the community.
- 35 (f) A drop-in center that operates during normal business
 36 hours to assist victims of domestic violence who have a need for
 37 support services.
- 38 (g) Arrangements for schoolage children to continue their
 39 education during their stay at the domestic violence shelter-based
 40 program.

1 (h) Emergency transportation as feasible.

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

7 (a) Medical care.

8 (b) Legal assistance.

9 (c) Psychological support and counseling.

10 (d) Information regarding other available social services.

11 18296. The staff of the domestic violence shelter-based
12 program shall work with social service agencies, schools, and
13 law enforcement agencies in an advocacy capacity for those
14 served by the domestic violence shelter-based programs.

15 18297. The staff of each domestic violence shelter-based
16 program shall attempt to achieve community support and
17 acceptance of the program by advocating the program to
18 community representatives and groups within the community.

19 Volunteers shall be trained and used to maximum capacity in
20 the delivery of services. *Staff and volunteers shall meet the*
21 *training requirements set forth in Section 1037.1 of the Evidence*
22 *Code.*

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 Generally Accepted Accounting Principles (GAAP).

31 18300. An annual report shall be prepared by each domestic
32 violence shelter-based program for submission to the county
33 board of supervisors. The report shall be made available to the
34 public upon request, and shall include all of the following
35 elements:

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

38 (b) The number of persons served in the domestic violence
39 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~~*In addition to any other provisions of law*
 4 *concerning the confidentiality of personal information collected*
 5 *by domestic violence shelters, a county shall not require a*
 6 *domestic violence shelter-based program to provide any*
 7 *information not enumerated in Section 18300, or require the*
 8 *disclosure of any information pertaining to the confidential*
 9 *location of a domestic violence shelter-based program or the*
 10 *location or identity of any shelter resident, employee, or*
 11 *volunteer. A county shall not require a method of data collection*
 12 *or recording, or impose any other requirement, that is*
 13 *inconsistent with the federal Violence Against Women Act (18*
 14 *U.S.C. Sec. 2261 et seq.).*

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

25 18305. (a) At the time of issuance of a marriage license
 26 pursuant to Section 26840 of the Government Code, twenty-three
 27 dollars (\$23) of each fee paid shall be collected by the county
 28 clerk for deposit into the county domestic violence shelter-based
 29 programs special fund. The fees collected in this special fund
 30 shall be disbursed to approved domestic violence shelter-based
 31 programs on a yearly or more frequent basis commencing July 1,
 32 1980. The funds shall be disbursed using a request for
 33 qualification (RFQ) process.

34 (b) The board of supervisors shall direct the county clerk to
 35 deposit twenty-three dollars (\$23) of each fee into the county
 36 domestic violence shelter-based programs special fund. The
 37 county domestic violence shelter-based programs special fund
 38 shall fund domestic violence shelter-based programs established
 39 pursuant to Section 18304. Four dollars (\$4) of each twenty-three
 40 dollars (\$23) deposited into the county domestic violence

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

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

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

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

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

1 be used for shelter services, and may be used for direct or
2 indirect costs.

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

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

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

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

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

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

18 SEC. 5. If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.