

HOUSE BILL REPORT

EHB 1729

As Passed House:
March 9, 2015

Title: An act relating to the administration of a statewide network of community-based domestic violence victim services by the department of social and health services.

Brief Description: Concerning the administration of a statewide network of community-based domestic violence victim services by the department of social and health services.

Sponsors: Representatives Pettigrew, Magendanz, Kagi, Walsh, Van De Wege, DeBolt, Jinkins, Goodman, Dunshee, Hudgins, Wylie, Cody, Sawyer, Senn, Moeller, Tarleton and Santos.

Brief History:

Committee Activity:

Public Safety: 2/10/15, 2/13/15 [DP];
Appropriations: 2/26/15, 2/27/15 [DP].

Floor Activity:

Passed House: 3/9/15, 92-6.

Brief Summary of Engrossed Bill

- Requires the Department of Social and Health Services to establish minimum standards for community-based domestic violence programs and emergency shelter programs.
- Increases the filing fee for a petition for dissolution of marriage by \$24 and deposits such revenue in the Domestic Violence Prevention Account (DV Prevention Account).
- Increases the current fee imposed on any person convicted of domestic violence offense by \$15 and deposits such revenue in the DV Prevention Account.
- Imposes a \$15 fine on any person convicted of violating a domestic violence protection order and deposits such revenue in the DV Prevention Account.
- Provides that if the dissolution of marriage fee retained by the county for the purpose of funding services for victims of domestic violence has not been allocated for such services within six months of collection, the funds are to be deposited in the DV Prevention Account.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Establishes standards for how funds in the DV Prevention Account may be used.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

Staff: Yvonne Walker (786-7841).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 24 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Wilcox, Assistant Ranking Minority Member; Carlyle, Cody, Dunshee, Fagan, Haler, Hansen, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Magendanz, Pettigrew, Sawyer, Senn, Springer, Stokesbary, Sullivan, Tharinger and Walkinshaw.

Minority Report: Do not pass. Signed by 8 members: Representatives Chandler, Ranking Minority Member; Buys, Condotta, Dent, G. Hunt, Schmick, Taylor and Van Werven.

Minority Report: Without recommendation. Signed by 1 member: Representative Parker, Assistant Ranking Minority Member.

Staff: Mary Mulholland (786-7391).

Background:

Community-Based Domestic Violence Programs and Emergency Shelters.

A "domestic violence program" is an agency that provides shelter, advocacy, and counseling for domestic violence victims in a supportive environment. A "shelter" is defined as a place of temporary refuge, offered on a 24-hour, seven-day per week basis to victims of domestic violence and their children.

The Department of Social and Health Services.

The Department of Social and Health Services (DSHS) administers state and federal funds for domestic violence programs, which include shelters. The DSHS also establishes minimum standards for shelters receiving funds. The shelters must provide certain services, including: food, clothing, housing, client advocacy, and counseling.

For nonshelter community-based programs receiving the DSHS funding, the DSHS must establish minimum standards to enhance client safety and security such as providing client advocacy, client confidentiality, and counseling. Preventive, nonshelter community-based services include services for victims of domestic violence from communities that have been traditionally underserved or unserved and services for children who have witnessed domestic violence.

Dissolution Filing Fees.

Filing fees in Washington for a petition for dissolution, legal separation, or declaration concerning the validity of marriage are established by statute. The statute requires the superior court clerk to collect an initial \$110 fee from the petitioner for the initial filing. The filing fee may be waived upon showing financial hardship.

Superior court clerks must also collect an additional \$30 fee. A total of \$24 out of the \$30 fee must be transmitted to the state for deposit in the Domestic Violence Prevention Account (DV Prevention Account) in the State Treasury. The remaining \$6 is retained by the county collecting the fee for the purpose of funding community-based services for victims of domestic violence within the county. In addition, the court may retain 5 percent of the \$6 (which equals 30 cents) for administrative purposes.

Domestic Violence Convictions.

Crimes are generally punishable by imprisonment, a fine in an amount fixed by the court, or both. In addition to the fine a court may impose, courts are sometimes required to impose additional assessments against a convicted defendant. For example, superior, district, and municipal courts may impose a penalty assessment of up to \$100 against any person convicted of a crime involving domestic violence. When determining whether to impose the penalty assessment, judges are encouraged to seek input from the victim in assessing the defendant's ability to pay, including information on current financial obligations, family circumstances, and ongoing restitution.

Revenue from the assessment must be used solely for establishing and funding domestic violence advocacy and domestic violence prevention and prosecution programs in the city or county of the court imposing the assessment. Cities and counties without programs may contract with community-based domestic violence program providers.

Domestic Violence Protection Order Violations.

Domestic violence protection orders are civil orders available when there has been domestic violence committed between one family or household member against another. When issuing an order, the court has discretion to order appropriate relief. Depending on the circumstances, a violation of a domestic violence protection order can constitute contempt of court, a gross misdemeanor, or a felony. A gross misdemeanor offense is punishable by a sentence of up to 364 days in jail or a maximum fine of \$5,000, or both imprisonment and a fine. The statutory maximum sentence for a class C felony offense is five years in prison and a \$10,000 fine.

Domestic Violence Prevention Account.

The DSHS administers the funds in the DV Prevention Account and may establish minimum standards for preventive, nonshelter community-based services receiving the funds. Revenue transferred into the DV Prevention Account must be used to fund nonshelter community-based services for domestic violence victims.

Client Records.

Client records maintained by domestic violence programs that provide shelter, advocacy, or counseling are subject to discovery only by court order and are exempt from disclosure under

the Public Disclosure Act to the extent that disclosure would violate personal privacy or vital governmental interests.

Summary of Engrossed Bill:

Community-Based Domestic Violence Programs and Emergency Shelters.

A "community-based domestic violence program" is a nonprofit program or organization that provides, as its primary purpose, assistance and advocacy for domestic violence victims. Domestic violence assistance and advocacy includes: crisis intervention, individual and group support, information and referrals, and safety assessment and planning. Domestic violence assistance and advocacy may also include, but is not limited to: provision of shelter, emergency transportation, self-help services, culturally specific services, legal advocacy, economic advocacy, community education, primary and secondary prevention efforts, and accompaniment and advocacy through medical, legal, immigration, human services, and financial assistance systems.

An "emergency shelter" is a place of supportive services and safe, temporary lodging offered on a 24-hour, seven-day per week basis to victims of domestic violence and their children.

The Department of Social and Health Services.

The DSHS, in consultation with relevant state departments, the Domestic Violence Coalition, and individuals having experience in domestic violence issues, including those with experience providing culturally appropriate services to populations that have traditionally been underserved or unserved, must: (1) develop and maintain a plan for delivering domestic violence victim services and access to emergency shelters across the state; (2) establish minimum standards for such programs; (3) receive grant applications; (4) distribute funds; (5) evaluate biennially each program receiving the DSHS funds for compliance; (6) review the minimum standards each biennium to ensure applicability to community and client needs; and (7) administer funds available from the DV Prevention Account.

The DSHS must establish minimum standards that ensure that community-based domestic violence programs provide client-centered advocacy and services designed to enhance immediate and long-term safety, victim autonomy, and security by means such as, but not limited to, safety assessment and planning, information and referral, legal advocacy, culturally and linguistically appropriate services, access to shelter, and client confidentiality.

In establishing programs that provide culturally relevant prevention efforts, and age appropriate prevention and intervention services for children who have been exposed to domestic violence, or youth who have been victims of dating violence, priority for state funding must be given to: (1) those programs with a documented history of effective work in providing advocacy and services to victims of domestic violence or dating violence; or (2) those agencies with a demonstrated history of effective work with youth partnered with a domestic violence program.

For emergency shelter programs receiving the DSHS funding, minimum standards by the DSHS must be established to ensure services are provided that meet basic survival needs, such as emergency transportation, child care assistance, and safety assessment and planning. Emergency shelters receiving grants must provide client-centered advocacy and services

designed to enhance client autonomy, client confidentiality, and immediate and long-term safety.

Both community-based domestic violence programs and emergency shelter programs receiving state funds must: (1) provide a location to assist victims of domestic violence who have a need for community advocacy or support services; (2) make available confidential services, advocacy, and prevention programs to victims of domestic violence and to their children within available resources; (3) require that persons employed by or volunteering services for a community-based domestic violence program protect the confidentiality and privacy of domestic violence victims and their families; (4) recruit, to the extent feasible, persons who are former victims of domestic violence to work as volunteers or staff who can also provide culturally and linguistically appropriate services; (5) ensure that all employees or volunteers have sufficient training in connection with domestic violence; and (6) refrain from engaging in activities that compromise the safety of victims or their children.

Dissolution Filing Fees. The additional filing fee collected by superior court clerks for dissolution, legal separation, or declaration concerning the validity of marriage is increased to a \$54 fee (this is an increase by \$24 fee over the current \$30 fee).

A total of \$48 out of the \$54 fee must be transmitted to the state for deposit in the DV Prevention Account in the State Treasury. The remaining \$6 will continue to be retained by the county collecting the fee for the purpose of funding community-based services for victims of domestic violence within the county. However, if that remaining \$6 has not been allocated for such services within six months of collection, the county must transmit such funds to the State Treasury for deposit in the DV Prevention Account. Money retained by a county for domestic violence services may be used to supplement, not supplant, other federal state and local funds for community-based domestic violence services.

Domestic Violence Convictions.

The penalty assessment imposed by superior, district, and municipal courts against any person convicted of a crime involving domestic violence is increased to a \$115 assessment (this is a \$15 increase over the current assessment). The \$15 assessment must be remitted monthly to the State Treasury for deposit in the DV Prevention Account.

Domestic Violence Protection Order Violations.

The courts must impose a fine of \$15 for any violation of a domestic violence protection order. Revenue from the fine must be remitted monthly to the State Treasury for deposit in the DV Prevention Account.

Domestic Violence Prevention Account.

Funds in the DV Prevention Account may be used only for funding:

- culturally specific prevention efforts and appropriate community-based domestic violence services for victims of domestic violence from populations that have been traditionally underserved or unserved;
- age appropriate prevention and intervention services for children who have been exposed to domestic violence or youth who have been victims of dating violence; and

- outreach and education efforts by community-based domestic violence programs designed to increase public awareness and prevention of domestic and dating violence.

Client Records.

A court must order that parties of a court order are prohibited from further dissemination of any parts of records that are discoverable, and that any portion of any domestic violence program records included in the court file are to be sealed. Disclosure of domestic violence program records is not a waiver of the victim's rights or privileges under statutes, rules of evidence, or common law. If disclosure of a victim's records is required by court order, the domestic violence program must make reasonable attempts to provide notice to the recipient affected by the disclosure, and must take steps necessary to protect the privacy and safety of the persons affected by the disclosure of the information.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Public Safety):

(In support) It has been discovered over the years that domestic violence victims and perpetrators span the spectrum of income, race, geography, and professions. When the original domestic violence statutes were enacted back in 1979, domestic violence was not considered a crime in this state and many services and resources that are offered today were not available at that time. It has been about 35 years since the Legislature has updated the domestic violence provider statutes and back then technology was not as relevant as it is today. Today, there is more research that guides the work of domestic violence providers which is evidence-based for the programs that are provided to victims.

One of the goals for providers is to work with young people and to teach them how to deal with controlling issues, how to manage jealousy, and how to have healthy relationships. This bill addresses the work of various community-based domestic violence service providers. One such provider, called the Team Leadership Council, works with youth that have been exposed to domestic violence. Many teens often come from homes where violence is normal and often times they lack the skills and language to create healthy relationships. Programs such as the Team Leadership Council teach youth about ending domestic violence in relationships and how to build healthy relationships.

Shelters for victims are extremely critical for those in immediate danger and who do not have anywhere else to go. In addition, funding prevention efforts is essential and critical to many victims that are served each year. By having a systemic plan for domestic violence services in Washington, it enables domestic violence providers to continue their innovative work.

Washington is leading the country in innovations of domestic violence prevention programs and the proposed changes in this bill support the quality of today's domestic violence

programs. This bill is a result of more than a year of work where over 100 people have weighed in on the content of the legislation. It is the intent to bring the current statute up-to-date and aligned with federal law.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) Last summer the incidents involving professional football players highlighted that domestic violence is an issue that spans socio-economic levels, race, and geographical areas. This legislation is an opportunity to support programs that will educate people on how to communicate and solve problems before resorting to domestic violence.

The bill is the top priority of the Washington State Coalition Against Domestic Violence (WSCADV). The projected \$1.5 million in revenue per biennium that the bill would generate would fund approximately one full-time equivalent at 18-20 domestic violence programs. The additional staff would help provide age-appropriate programming to educate young people about healthy relationships. This may include working with little leagues to develop programming for young people in sports. In the long run, the prevention efforts funded by the bill will save money to the courts, to law enforcement, and by avoiding the need for services after domestic violence has occurred.

The WSCADV is willing to look at other avenues for revenue, but the WSCADV feels that domestic violence prevention is related to marriage and that a fee on marriage certificates is an appropriate funding source. If people develop healthy relationship skills, they can enter into marriage with those skills. The revenue that would be generated under the bill is a start in terms of prevention, and would reach less than half of the approximately 45 programs across the state.

In the 1990s, there was a highly-publicized incident in the media regarding domestic violence between a disabled person and her caregiver. After that, the Department of Social and Health Services began programming that focused on people who might not traditionally access domestic violence shelters and advocacy services. Examples of traditionally underserved or unserved people may include people with disabilities, people who don't speak English, or farm workers in central and eastern Washington.

(Opposed) None.

Persons Testifying (Public Safety): Representative Pettigrew, prime sponsor; Grace Huang and Samantha Shaw-Ferry, Washington State Coalition Against Domestic Violence; and Karin White and Becky Cushman, YWCA - Pierce County.

Persons Testifying (Appropriations): Representative Pettigrew, prime sponsor; and Grace Huang, Washington State Coalition Against Domestic Violence.

Persons Signed In To Testify But Not Testifying (Public Safety): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.