

HOUSE BILL REPORT

SSB 5631

As Reported by House Committee On:

Public Safety
Appropriations

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: Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators Hargrove, O'Ban, Darneille, Pearson, Ranker, Litzow, Rolfes, Jayapal, Lias, Frockt, Dansel, Hill, Fain, Kohl-Welles, Hasegawa, Keiser, Angel, McAuliffe and Conway).

Brief History:

Committee Activity:

Public Safety: 3/20/15, 3/31/15 [DPA];
Appropriations: 4/6/15, 4/7/15 [DPA(PS)].

Brief Summary of Substitute Bill (As Amended by Committee)

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

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.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass as amended. Signed by 8 members: Representatives Goodman, Chair; Orwall, Vice Chair; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

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

Staff: Yvonne Walker (786-7841).

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 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 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 Amended 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 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 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, each county must annually report to the DSHS on such revenues and expenditures by December 15 of each year. The DSHS must develop a reporting form to be used by counties for uniform reporting purposes.

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 record 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.

Amended Bill Compared to Substitute Bill:

The amended bill: (1) increases the new filing fee for a dissolution of marriage by an additional \$24 (instead of \$15); (2) increases the current fine imposed on any person convicted of a domestic violence offense by \$15; and (3) imposes a \$15 fine on any person convicted of violating a domestic violence protection order. The revenue from each of the three fees/fines previously listed must be deposited in the DV Prevention Account. The amended bill eliminates the provision requiring the Washington State Institute for Public Policy to review the effectiveness of community-based domestic violence programs and submit a report to the Legislature by December 2015. Lastly, the amended bill deletes the new provision that stated 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. Instead, a provision is added that requires counties to annually report to the DSHS on the revenue collected (and used) from that fee by December 15 of each year.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Local agencies are often forced to string together many small grants in order to provide prevention services within local communities. This bill will help local agencies to

provide more direct services to clients. It will also provide secure and stable funding for services related to the prevention of domestic violence. It is important to prevent domestic violence and this bill is an opportunity to get more young people to understand domestic violence and to know how to have healthy relationships.

(In support with concerns) This bill updates the statutes which were first written back in 1979. It also updates and clarifies definitions, creates a statewide planning process for the DSHS regarding the delivery of domestic violence services, and it ensures competent and relevant services are delivered in communities.

The bill adds the critical component of ending domestic violence before it begins. It is recommended that the Senate bill be amended to reflect the House of Representatives' version of the bill so that the funding levels are increased and the implementation and expiration dates are eliminated.

(Opposed) None.

Persons Testifying: (In support) Suzi Fode, Rural Resources Victim Services; and Melanie Sherman.

(In support with concerns) Grace Huang, Washington State Coalition Against Domestic Violence.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Public Safety. Signed by 29 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Carlyle, Cody, Dent, Dunshee, Fagan, Haler, Hansen, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Magendanz, Pettigrew, Sawyer, Senn, Springer, Stokesbary, Sullivan, Tharinger, Van Werven and Walkinshaw.

Minority Report: Do not pass. Signed by 3 members: Representatives Condotta, G. Hunt and Taylor.

Staff: Mary Mulholland (786-7391).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Public Safety:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The Washington State Coalition Against Domestic Violence (WSCADV) strongly supports Substitute Senate Bill 5631 as amended in the House Public Safety Committee, as well as the corresponding funding level. The WSCADV appreciates the appropriation for the companion bill, Engrossed House Bill 1729, that was included in the budget that passed the House.

The bill is primarily an update to the existing domestic violence services and shelter statutes, which were first written in 1979. The language before you reflects current understanding of best practices and makes good fiscal sense. It will help ensure that services are available to all domestic violence victims across the state, particularly in underserved communities, who face multiple barriers to safety. The WSCADV wants to support the inclusion of culturally and linguistically relevant services into a statewide planning process that has minimum standards related to training, confidentiality, and safety. Finally, the bill provides a funding mechanism to prevent domestic violence, which is a top priority for WSCADV members. Sufficient revenue will be raised to support about 15 full-time equivalent staff positions across the state, which is a good start to prevent domestic violence.

(Opposed) None.

Persons Testifying: Grace Huang, Washington State Coalition Against Domestic Violence.

Persons Signed In To Testify But Not Testifying: None.