

# SENATE BILL REPORT

## SB 5631

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As of February 21, 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:** Senators Hargrove, O'Ban, Darneille, Pearson, Ranker, Litzow, Rolfes, Jayapal, Lias, Frockt, Dandel, Hill, Fain, Kohl-Welles, Hasegawa, Keiser, Angel, McAuliffe and Conway.

**Brief History:**

**Committee Activity:** Human Services, Mental Health & Housing: 2/17/15, 2/19/15 [DPS-WM, w/oRec].

Ways & Means: 2/25/15.

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### SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

**Majority Report:** That Substitute Senate Bill No. 5631 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Hargrove and Padden.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Darneille, Ranking Minority Member.

**Staff:** Alison Mendiola (786-7444)

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Breann Boggs (786-7433)

**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.

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*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.*

The Department of Social and Health Services (DSHS). DSHS administers state and federal funds for domestic violence programs, which include shelters. 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 DSHS funding, DSHS must establish minimum standards to enhance client safety and security such as by providing client advocacy, client confidentiality, and counseling.

Marriage License. County auditors and recording offices are statutorily required to collect a fee of \$8 for issuing a marriage license plus (1) an additional \$5 fee to support the prevention of child abuse and neglect activities which is to be transmitted monthly to the State Treasurer for deposit in the general fund; and (2) an additional \$10 fee to be transmitted monthly to the State Treasurer and deposited in the general fund.

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 \$0.30 – for administrative purposes.

Domestic Violence Prevention Account. 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. 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.

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 Bill (Recommended Substitute):** 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. 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.

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.

For emergency shelter programs receiving DSHS funding, minimum standards by 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 also provide client-centered advocacy and services designed to enhance client autonomy, client confidentiality, and immediate and long-term safety.

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.

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. If the remaining \$6 – from the \$30 surcharge dissolution fee – retained by the county for the purpose of funding community-based services for victims of domestic violence 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. Until June 30, 2020, there is an additional \$15 surcharge added to dissolution filings. Monthly, the county must transmit the funds to the state treasury for deposit in the DV Prevention Account.

Washington State Institute for Public Policy (WSIPP). WSIPP must review community-based domestic violence victims' services nationwide and determine which programs are the most effective and most efficient in improving the capacity of individuals, governmental entities, and communities to provide effective, supportive services and interventions to address domestic and dating violence from the victims' perspective. A report to the Legislature is due December 31, 2015.

Domestic Violence Prevention Account. Funds in the DV Prevention Account may be used only for funding the following:

- 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 about, and primary and secondary prevention of, domestic and dating violence.

Client Records. A court must order that the parties are prohibited from further dissemination of any parts of the records that are discoverable, and that any portion of any domestic violence program records included in the court file 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.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES, MENTAL HEALTH & HOUSING COMMITTEE (Recommended Substitute):** The \$15 surcharge is removed from marriage licenses and added to dissolution filings. The surcharge expires June 30, 2016. The money will be deposited into the DV Prevention Account. WSIPP will review community-based domestic violence victims' services nationwide and determine which programs are the most effective and most efficient in improving the capacity of individuals, governmental entities, and communities to provide effective, supportive services and interventions to address domestic and dating violence from the victims' perspective. A report

to the Legislature is due December 31, 2015. The act, other than the WSIPP study, is effective July 1, 2016.

**Appropriation:** None.

**Fiscal Note:** Available.

[OFM requested ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Sections 1–9 and 11–16 are effective July 1, 2016. Section 10 is effective ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill (Human Services, Mental Health & Housing):** PRO: The original legislation was enacted 31 years ago, before domestic violence was a crime. Since then we have made strides in what we know about domestic violence and how to support victims. The relevant statutes are updated based upon feedback received at a number of meetings around the state this past spring and summer. The bill clarifies the role of DSHS in planning for services, services that are culturally, linguistically, and geographically relevant. Domestic violence prevention is the number-one goal. We will also focus on teen dating violence. There are also new issues like cyberstalking. There are community-based services, but lots of people need our help so we want a state plan. The language in this bill is modernized and brings the code current to what we do now. Shelters are still necessary but people need other services like support groups and education prevention programs. We know what works for families; what we need is a revenue stream and Washington is an innovative state.

**Persons Testifying (Human Services, Mental Health & Housing):** PRO: Karin White, Jennine Devuto, YWCA Pierce County; Grace Huang, WA State Coalition Against Domestic Violence; Michaela Robinson, Teen Leadership Council.