

FINAL BILL REPORT

SSB 5631

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Synopsis as Enacted

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, Danel, Hill, Fain, Kohl-Welles, Hasegawa, Keiser, Angel, McAuliffe and Conway).

Senate Committee on Human Services, Mental Health & Housing
Senate Committee on Ways & Means
House Committee on Public Safety
House Committee on Appropriations

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 (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. The current marriage license fee is \$64.

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.

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.

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: 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.

Votes on Final Passage:

Senate	49	0	
House	93	4	(House amended)
Senate	46	1	(Senate concurred)

Effective: July 24, 2015