

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 726

6 By: Crain of the Senate

7 and

8 O'Donnell and McDaniel
9 (Jeannie) of the House

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to domestic violence; providing for
12 creation of certain pilot program; providing for
13 combination of certain proceedings; authorizing
14 certain entities to establish family justice centers;
15 stating purpose; requiring certain compliance;
16 requiring participation of certain entities;
17 providing for codification; and providing an
18 effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 60.30 of Title 22, unless there
22 is created a duplication in numbering, reads as follows:

23 Beginning on January 1, 2016, the Administrative Office of the
24 Courts shall administer a five-year pilot program in any county with
a population exceeding five hundred thousand (500,000), which may
consist of implementation of an Integrated Domestic Violence Docket
to combine, where appropriate, proceedings related to divorce, child

1 custody, domestic violence, protective orders, and criminal and
2 juvenile court cases.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 60.31 of Title 22, unless there
5 is created a duplication in numbering, reads as follows:

6 Beginning on January 1, 2016, any governmental entity in a
7 county that receives sufficient funds to implement such program may
8 establish a family justice center to assist victims of domestic
9 violence, sexual assault, elder or dependent adult abuse and
10 stalking to ensure that victims of abuse are able to access all
11 needed services in one location in order to enhance victim safety
12 and increase offender accountability. Family justice centers shall
13 comply with all applicable laws and regulations of this state, and
14 shall include, but not be limited to, the participation of law
15 enforcement, the prosecuting authority, and an Attorney General
16 certified victim services agency.

17 SECTION 3. This act shall become effective November 1, 2015.

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PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006 - 14315] (Part 4 added by Stats. 1953, Ch. 1385.)

TITLE 5.3. Family Justice Centers and Multidisciplinary Teams [13750 - 13753] (Heading of Title 5.3 amended by Stats. 2018, Ch. 802, Sec. 1.)

CHAPTER 1. Family Justice Centers [13750 - 13753] (Chapter 1 heading added by Stats. 2018, Ch. 802, Sec. 2.)

13750. (a) A city, county, city and county, or community-based nonprofit organization may each establish a multiagency, multidisciplinary family justice center to assist victims of domestic violence, sexual assault, elder or dependent adult abuse, and human trafficking, to ensure that victims of abuse are able to access all needed services in one location in order to enhance victim safety, increase offender accountability, and improve access to services for victims of domestic violence, sexual assault, elder or dependent adult abuse, and human trafficking.

(b) For purposes of this title, the following terms have the following meanings:

(1) "Abuse" has the same meaning as set forth in Section 6203 of the Family Code.

(2) "Domestic violence" has the same meaning as set forth in Section 6211 of the Family Code.

(3) "Sexual assault" means an act or attempt made punishable by Section 220, 261, 261.5, 262, 264.1, 266c, 269, 285, 286, 287, 288, 288.5, 289, or 647.6, or former Section 288a.

(4) "Elder or dependent adult abuse" means an act made punishable by Section 368.

(5) "Human trafficking" has the same meaning as set forth in Section 236.1.

(c) For purposes of this title, family justice centers shall be defined as multiagency, multidisciplinary service centers where public and private agencies assign staff members on a full-time or part-time basis in order to provide services to victims of domestic violence, sexual assault, elder or dependent adult abuse, or human trafficking from one location in order to reduce the number of times victims must tell their story, reduce the number of places victims must go for help, and increase access to services and support for victims and their children. Staff members at a family justice center may be comprised of, but are not limited to, the following:

(1) Law enforcement personnel.

(2) Medical personnel.

(3) District attorneys and city attorneys.

(4) Victim-witness program personnel.

(5) Domestic violence shelter service staff.

(6) Community-based rape crisis, domestic violence, and human trafficking advocates.

(7) Social service agency staff members.

(8) Child welfare agency social workers.

(9) County health department staff.

(10) City or county welfare and public assistance workers.

(11) Nonprofit agency counseling professionals.

(12) Civil legal service providers.

(13) Supervised volunteers from partner agencies.

(14) Other professionals providing services.

(d) Nothing in this section is intended to abrogate existing laws regarding privacy or information sharing. Family justice center staff members shall comply with the laws governing their respective professions.

(e) Victims of crime shall not be denied services on the grounds of criminal history. No criminal history search shall be conducted of a victim at a family justice center without the victim's written consent unless the criminal history search is pursuant to a criminal investigation.

(f) Victims of crime shall not be required to participate in the criminal justice system or cooperate with law enforcement in order to receive counseling, medical care, or other services at a family justice center.

(g) (1) Each family justice center shall consult with community-based domestic violence, sexual assault, elder or dependent adult abuse, and human trafficking agencies in partnership with survivors of violence and abuse and their advocates in the operations process of the family justice center, and shall establish procedures for the ongoing input, feedback, and evaluation of the family justice center by survivors of violence and abuse and community-based crime victim service providers and advocates.

(2) Each family justice center shall develop policies and procedures, in collaboration with local community-based crime victim service providers and local survivors of violence and abuse, to ensure coordinated services are provided to victims and to enhance the safety of victims and professionals at the family justice center who participate in affiliated survivor-centered support or advocacy groups. Each family justice center shall maintain a formal client feedback, complaint, and input process to address client concerns about services provided or the conduct of any family justice center professionals, agency partners, or volunteers providing services in the family justice center.

(h) (1) Each family justice center shall maintain a client consent policy and shall be in compliance with all state and federal laws protecting the confidentiality of the types of information and documents that may be in a victim's file, including, but not limited to, medical, legal, and victim counselor records. Each family justice center shall have a designated privacy officer to develop and oversee privacy policies and procedures consistent with state and federal privacy laws and the Fair Information Practice Principles promulgated by the United States Department of Homeland Security. At no time shall a victim be required to sign a client consent form to share information in order to access services.

(2) Each family justice center is required to obtain informed, written, reasonably time limited, consent from the victim before sharing information obtained from the victim with any staff member or agency partner, except as provided in paragraphs (3) and (4).

(3) A family justice center is not required to obtain consent from the victim before sharing information obtained from the victim with any staff member or agency partner if the person is a mandated reporter, a peace officer, or a member of the prosecution team and is required to report or disclose specific information or incidents. These persons shall inform the victim that they may share information obtained from the victim without the victim's consent.

(4) Each family justice center is required to inform the victim that information shared with staff members or partner agencies at a family justice center may be shared with law enforcement professionals without the victim's consent if there is a mandatory duty to report, or the client is a danger to himself or herself, or others. Each family justice center shall obtain written acknowledgment that the victim has been informed of this policy.

(5) Consent by a victim for sharing information within a family justice center pursuant to this section shall not be construed as a universal waiver of any existing evidentiary privilege that makes confidential any communications or documents between the victim and any service provider, including, but not limited to, any lawyer, advocate, sexual assault or domestic violence counselor as defined in Section 1035.2 or 1037.1 of the Evidence Code, human trafficking caseworker as defined in Section 1038.2 of the Evidence Code, therapist, doctor, or nurse. Any oral or written communication or any document authorized by the victim to be shared for the purposes of enhancing safety and providing more effective and efficient services to the victim of domestic violence, sexual assault, elder or dependent adult abuse, or human trafficking shall not be disclosed to any third party, unless that third-party disclosure is authorized by the victim, or required by other state or federal law or by court order.

(i) An individual staff member, volunteer, or agency that has victim information governed by this section shall not be required to disclose that information unless the victim has consented to the disclosure or it is otherwise required by other state or federal law or by court order.

(j) A disclosure of information consented to by the victim in a family justice center, made for the purposes of clinical assessment, risk assessment, safety planning, or service delivery, shall not be deemed a waiver of any

privilege or confidentiality provision contained in Sections 2263, 2918, 4982, and 6068 of the Business and Professions Code, the lawyer-client privilege protected by Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code, the physician-patient privilege protected by Article 6 (commencing with Section 990) of Chapter 4 of Division 8 of the Evidence Code, the psychotherapist-patient privilege protected by Article 7 (commencing with Section 1010) of Chapter 4 of Division 8 of the Evidence Code, the sexual assault counselor-victim privilege protected by Article 8.5 (commencing with Section 1035) of Chapter 4 of Division 8 of the Evidence Code, or the domestic violence counselor-victim privilege protected by Article 8.7 (commencing with Section 1037) of Chapter 4 of Division 8 of the Evidence Code.

(Amended by Stats. 2018, Ch. 423, Sec. 120. (SB 1494) Effective January 1, 2019.)

13751. Each family justice center established pursuant to subdivision (a) of Section 13750 shall maintain a formal training program with mandatory training for all staff members, volunteers, and agency professionals of not less than eight hours per year on subjects, including, but not limited to, privileges and confidentiality, information sharing, risk assessment, safety planning, victim advocacy, and high-risk case response.

(Added by Stats. 2014, Ch. 85, Sec. 1. (AB 1623) Effective January 1, 2015.)

RS 46:1860

CHAPTER 21-D. FAMILY JUSTICE CENTERS

§1860. Purpose

The purpose of this Chapter is to provide multiagency and multidisciplinary support and services to victims of abuse, sexual assault, stalking, cyberbullying, and human trafficking, to ensure that victims are able to access all needed services, to enhance victim safety, to increase offender accountability, and to reduce to a minimum the number of times the victim is questioned and examined and the number of places a victim must go to receive assistance.

Acts 2015, No. 327, §1.

RS 46:1861

§1861. Family justice centers

A.(1) A family justice center may be established in any judicial district to provide support, services, and assistance to victims of the following types of offenses:

- (a) Domestic abuse as defined by R.S. 46:2132(3) and dating violence as defined in R.S. 46:2151(C).
- (b) Sexual assault which includes the commission of or the attempt to commit any offense listed in R.S. 15:541(24).
- (c) Abuse of a person protected by the Adult Protective Services Act pursuant to R.S. 15:1501 et seq.
- (d) Stalking including any action prohibited by R.S. 14:40.2 and 40.3.
- (e) Cyberbullying as defined by R.S. 14:40.7.
- (f) Human trafficking as defined by R.S. 14:46.2 and trafficking of children for sexual purposes as defined by R.S. 14:46.3.

(2) A family justice center may be established in one judicial district to serve those victims listed in Paragraph (1) of this Subsection from one or more geographically contiguous judicial districts.

B.(1) Each family justice center established pursuant to the provisions of this Chapter is authorized to consult with, contract with, work with, or be staffed, on a full- or part-time basis, by personnel from any of the following public, private, or nonprofit entities providing services within any of the judicial districts served by and participating in the family justice center:

- (a) Federal or state law enforcement agencies.
- (b) Health care provider as defined by R.S. 40:1237.1 or 1231.1.
- (c) Office of a district attorney or city prosecutor.
- (d) Any agency or entity providing victim advocacy services.
- (e) Community shelter for crime victims.
- (f) Social service agency.
- (g) Child welfare agency.
- (h) Civil legal service providers.

(2) The list of entities provided in Paragraph (1) of this Subsection is not exclusive and each family justice center is authorized to consult with, contract with, work with, or be staffed by personnel from any other public, private, or nonprofit entity not specifically provided for in this Chapter that is necessary for providing services and assistance consistent with the purposes of this Chapter.

(3) Any person described in the provisions of this Subsection who is providing services to a family justice center shall comply with all laws, rules, or regulations governing their respective professions.

C. Each family justice center shall:

(1) Establish procedures for the ongoing input, feedback, and evaluation of the operations of the family justice center by survivors of violence and abuse and community-based crime victims service providers and advocates.

(2) Develop policies and procedures to ensure coordinated services are provided to victims and to enhance the safety of victims and personnel at the family justice center.

(3) Maintain a formal process for receiving feedback, complaints, and input from those persons receiving services at the family justice center and for addressing any concerns about services provided or the operations of any family justice center.

D. No family justice center shall:

- (1) Deny services to any victim on the grounds of the victim's criminal history.
- (2) Request the criminal history of a victim without the victim's written consent unless pursuant to a criminal investigation.
- (3) Require a victim to participate in the criminal justice system or cooperate with law enforcement in order to receive counseling, medical care, or any other services at a family justice center.
- (4) Require a victim to sign a consent form to share information in order to access services at the family justice center.

Acts 2015, No. 327, §1.

RS 46:1862

§1862. Confidentiality; information sharing

A. If a multi-disciplinary team (MDT) conference is formed under this statute and the district attorney and chief law enforcement agency in the parish participate, the MDT may obtain information from any public agency, department, or other organization, including material otherwise made confidential or privileged. Any confidential or privileged material or information obtained by an MDT member shall be disclosed only as necessary to other persons providing services to the same victim, and shall not be disclosed to an agency or individual outside of the family justice center unless otherwise required by law or court order.

B. The files, reports, records, communications, working papers, or any other material or information used or developed in providing services to a victim at the family justice center are confidential and not subject to the Public Records Law. Disclosure may be made only to another person providing services at the family justice center to the same victim and who needs access to the information or material in order to perform his duties and provide services to the victim consistent with the provisions of this Chapter.

C.(1) Each family justice center shall maintain a client consent policy and shall comply with all state and federal laws protecting the confidentiality rights and identity of the victim. Each family justice center shall have a designated privacy officer to develop and oversee privacy policies and procedures consistent with state and federal privacy laws.

(2) Each family justice center is required to obtain informed, written, and reasonably time-limited consent from the victim before sharing information obtained from the victim with any staff member, agency partner, or personnel providing services at the family justice center except as provided by the following:

(a) A family justice center is not required to obtain consent from the victim before sharing information obtained from the victim with any staff member, agency partner, or personnel who is also a mandatory reporter, a peace officer, or a member of the prosecuting team who is required by law to report or disclose specific information or incidents.

(b) Each family justice center is required to inform the victim that the information shared with staff members, partner agencies, or other personnel at the family justice center may be shared with law enforcement professionals without the victim's consent if there is a mandatory duty to report as required by law or the victim is a danger to himself or others. Each family justice center shall obtain written acknowledgment from the victim that the victim has been informed of this policy.

(3) Consent by the victim to share information within a family justice center pursuant to the provisions of this Section is not a universal waiver of any existing evidentiary privilege or confidentiality provision provided by law.

(4) Any oral or written communication or any document authorized by the victim to be shared for the purposes of enhancing safety and providing more effective and efficient services to the victim shall not be disclosed to any third party, unless that third-party disclosure is authorized by the victim, or required by other state or federal law or by court order.

D. Each family justice center shall maintain a formal training program with mandatory training of not less than eight hours per year for all persons providing services at the family justice center, including but not limited to training on evidentiary privileges, confidentiality provisions, information sharing, risk assessment, safety planning, victim advocacy, and high-risk case response.

Acts 2015, No. 327, §1.

RS 46:1863

§1863. Immunity from liability

A. A person providing services to a victim at a family justice center pursuant to the provisions of this Chapter shall not be liable for civil damages while acting in the official scope of his duties if the person, in good faith, makes a recommendation, gives an opinion, or releases or uses information for the purposes of protecting or providing services to the victim.

B. This limitation of civil liability does not apply if the person acted with gross negligence or in bad faith.

Acts 2015, No. 327, §1.