
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: AB 2137 **Hearing Date:** May 31, 2022
Author: Maienschein
Version: March 30, 2022
Urgency: No **Fiscal:** No
Consultant: SC

Subject: *Family justice centers*

HISTORY

Source: San Diego City Attorney

Prior Legislation: AB 1014 (Skinner), Ch. 872, Stats. 2014
AB 1623 (Atkins), Ch. 85, Stats. 2014
SB 557 (Kehoe), Ch. 262, Stats. 2011

Support: California Federation of Teachers AFL-CIO; National Association of Social Workers

Opposition: None known

Assembly Floor Vote: 68 - 0

PURPOSE

The purpose of this bill is to require family justice centers to provide clients with educational materials relating to gun violence restraining orders, domestic violence restraining orders, and other legal avenues of protection for victims and their families, if appropriate.

Existing law authorizes each city, county, city and county, or community-based nonprofit organization to 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. (Pen. Code, § 13750, subd. (a.)

Existing law requires family justice center staff to abide by existing laws regarding privacy and information sharing. (Pen. Code, § 13750, subd. (d).)

Existing law defines “family justice centers” to mean “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.” (Pen. Code, § 13750, subd. (c).)

Existing law provides that staff members at family justice centers may be comprised of, but not limited to, the following:

- Law enforcement personnel;
- Medical personnel;
- District attorneys and city attorneys;
- Victim-witness program personnel;
- Domestic violence shelter service staff;
- Community-based rape crisis, domestic violence, and human trafficking advocates;
- Social service agency staff members;
- Child welfare agency social workers;
- County health department staff;
- City or county welfare and public assistance workers;
- Nonprofit agency counseling professionals;
- Civil legal service providers;
- Supervised volunteers from partner agencies; and,
- Other professionals providing services. (Pen. Code, § 13750, subd. (c)(1)-(14).)

Existing law states that victims of crime shall not be denied services on the grounds of criminal history nor shall a criminal history search 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. (Pen. Code, § 13750, subd. (e).)

Existing law states that 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 the family justice center. (Pen. Code, § 13750, subd. (f).)

Existing law requires each family justice center to 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. (Pen. Code, § 13750, subd. (g)(1).)

Existing law requires each family justice center to 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. (Pen. Code, § 13750, subd. (g)(2).)

Existing law defines a gun violence restraining order (GVRO) as an order in writing, signed by the court, prohibiting and enjoining a named person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition. (Pen. Code, § 18100.)

This bill requires each family justice center to provide clients with educational materials relating to GVROs, domestic violence restraining orders, and other legal avenues of protection for victims and their families, if appropriate.

COMMENTS

1. Need for This Bill

According to the author of this bill:

According to the Alliance of Gun Responsibility, one in four women and one in seven men experience a severe physical form of domestic violence. In California, there are more than 80,000 domestic violence incidents reported annually. Research has shown that the presence of a gun in a domestic violence situation increases the risk of homicides against women by 500 percent.

After years of advocacy from survivors and families, California passed the red flag law, which allows certain people to obtain a gun violence restraining order to remove firearms from a person who has been deemed a threat to themselves; or a person who has been deemed a threat to someone else. However, there are still significant gaps in recovering firearms from individuals who have been ordered to surrender them.

Currently, the Armed and Prohibited Persons System, a list compiled by the Department of Justice to identify criminals prohibited from possessing a firearm, has a backlog of 24,000 individuals who have not surrendered their firearm. In 2020, San Diego City Attorney, Mara Elliot, launched an initiative offering a Gun Violence Response Unit at a family justice center in San Diego, to help victims seek a GVRO if their abuser has a gun and poses a significant threat.

Currently, this program has a 100% success rate in obtaining a firearm from the abuser. This partnership offers an alternative approach to implementing GVROs successfully and possibly reducing the backlog on the Armed and Prohibited Persons list.

Family Justice Centers serve as a resource to victims of various forms of domestic and interpersonal violence and have assisted countless individuals in finding safety. AB 2137 expands protections for victims of domestic violence by ensuring victims have the resources to obtaining a gun violence restraining order against their abusers.

2. Family Justice Centers

Family justice centers are a one-stop center offering services for individuals and families experiencing domestic violence, sexual assault, child abuse, elder and dependent adult abuse, and human trafficking. The centers bring public and private partners together under one roof to provide wrap-around services. The intent behind family justice centers is that victims will no longer have to travel to multiple locations, tell their story repeatedly, or fill out multiple forms while maintaining confidentiality and authorizing consent-based information sharing. Moreover,

neither cooperation with law enforcement nor involvement in the criminal justice process is required in order to access service providers at the facility. Family justice centers provide a myriad of services, such as counseling, legal services, emergency shelter, and assistance with restraining orders.

This bill would require family justice centers to provide their clients with educational materials relating to GVROs in addition to domestic violence restraining orders, and other legal avenues of protection for victims and their families, if appropriate.

3. Gun Violence Restraining Orders

California's GVRO laws, modeled after domestic violence restraining order laws, went into effect on January 1, 2016. (AB 1014 (Skinner), Chapter 872, Statutes of 2014.) A GVRO will prohibit the restrained person from purchasing or possessing firearms or ammunition and authorizes law enforcement to remove any firearms or ammunition already in the individual's possession.

The statutory scheme establishes three types of GVRO's: a temporary emergency GVRO, an ex parte GVRO, and a GVRO issued after notice and hearing. A law enforcement officer may seek a temporary emergency GVRO by submitting a written petition to or calling a judicial officer to request an order at any time of day or night. In contrast, an immediate family member or a law enforcement officer can petition for either an ex parte GVRO or a GVRO after notice and a hearing.

An ex parte GVRO is based on an affidavit filed by the petitioner which sets forth the facts establishing the grounds for the order. The court will determine whether good cause exists to issue the order. If, the court issues the order, it can remain in effect for 21 days. Within that time frame, the court must provide an opportunity for a hearing. At the hearing, the court can determine whether the firearms should be returned to the restrained person, or whether it should issue a more permanent order.

Finally, if the court issues a GVRO after notice and hearing has been provided to the person to be restrained, this more permanent order can last for up to five years.

This bill requires family justice centers to provide their clients with educational materials relating to GVROs in addition to domestic violence restraining orders, and other legal avenues of protection for victims and their families, if appropriate.

4. Argument in Support

According to the San Diego City Attorney, the sponsor of this bill:

Victims of domestic violence frequently rely on California's network of Family Justice Centers [FJC] when they need to obtain legal advice, counseling, and other services in the wake of a violent incident. When appropriate, FJC staff provide them with information about obtaining a Domestic Violence Restraining Order (DVRO) as a tool to protect themselves and their families from further abuse.

AB 2137 would require that FJCs also provide victims with information about Gun Violence Restraining Orders (GVROs) when their abusers possess firearms

or are known to have access to firearms, so that victims are aware of their options under the law and can make informed decisions.

This practice has been implemented at Your Safe Place – A Family Justice Center for nearly half a year. Our clients are free to choose one tool or the other, or to seek both a DVRO (to restrain their abuser from further contact) and a GVRO (to swiftly remove firearms from a volatile situation). This combination affords victims the highest levels of protection the law currently allows.

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