

## MEMORANDUM



NOV 13 2000

DATE: November 10, 2000

TO: Supervisor Jim Beall  
Santa Clara County

FROM: Supervisor Barbara Kondylis, Solano County  
Chair, CSAC Family Violence Task Force

RE: **CSAC Family Violence Task Force**

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I am writing to express great appreciation for your acceptance of membership on the CSAC Family Violence Task Force. As you know, the task force will examine the many impacts of family violence and the ways in which counties are responding to this issue of major societal concern.

The first meeting of the task force is scheduled to coincide with the CSAC Annual Meeting in Ontario, CA. Please plan to participate in the Family Violence Task Force session scheduled for **Thursday, November 30 from 9:30 – 11:30 a.m.** The meeting agenda is enclosed; materials will be distributed at the meeting. My primary objective for our first gathering is to chart the course for the task force and to identify the ways in which we can be most effective in assisting California counties in carrying out programs that effectively deal with the dynamics of family violence. The session also will include an update on recent changes in the law.

We are putting together what we hope to be a productive and informative session. In preparation for the November 30 meeting, please brief yourself on your county's current efforts and programs in the area of family violence. I also encourage you to bring questions and ideas about best practices to the group's discussion. The expectation is that task force members will leave the session with a vision of the task force's long-term course of action, and with specific tools and resources that can be applied at the local level in the near-term.

If you have any questions prior to our November 30 meeting, please contact Elizabeth Howard (916/327-7500, ext. 537) or Kelly Brooks (916/327-7500, ext. 531) of the CSAC staff. We very much look forward to seeing you and to tackling this issue of great importance together.

Enclosure



## Family Violence Task Force

### CSAC Annual Meeting

Thursday, November 30, 2000

9:30 – 11:30 a.m.

Ontario Convention Center, Room 200C

Ontario, California

### Supervisor Barbara Kondylis, Chair

**Facilitator:** *Linda Wong Kerberg*, Assistant Deputy Director, San Diego County Health and Human Services Agency

**Presenters:** *Supervisor Shirley Bianchi*, San Luis Obispo County; *Stanley Thomas*, Family Violence Prevention Coordinator, Solano County; and *Whitnie Henderson*, Legislative Coordinator, Judicial Council

AGENDA		
9:30	Opening Remarks and Introductions	Supervisor Barbara Kondylis
9:35	Statewide Overview Local Strategies in San Diego County: Their Application at the Statewide Level <ul style="list-style-type: none"><li>▫ Domestic Violence Coordinating Council</li><li>▫ Family Violence Response Teams</li><li>▫ Fatality Review Team</li><li>▫ Prevention and Intervention Strategies</li><li>▫ Importance of Collaborating and Integrating County Services</li></ul>	Linda Wong Kerberg
10:00	Two Local Models of Family Violence Prevention Efforts: San Luis Obispo and Solano Counties	Supervisor Shirley Bianchi Stanley Thomas
10:25	Legislative Overview <ul style="list-style-type: none"><li>▫ Court/County Collaboration</li><li>▫ Family Violence Coordinating Councils</li></ul>	Whitnie Henderson
10:55	Visioning Exercise (Small Group Activity)	Linda Wong Kerberg
11:20	Reporting Back <ul style="list-style-type: none"><li>▫ Identifying Next Steps and Future Resources</li></ul>	All
11:25	Closing Remarks	Linda Wong Kerberg Supervisor Barbara Kondylis

### Domestic Violence bills 1997-2000

<b>Bill (Author)</b>	<b>Summary</b>	<b>Status</b>
AB 200 (Kuehl)	<b>Child custody</b> Creates a rebuttable presumption that an award of sole or joint physical or legal custody of a child to a person who has perpetrated domestic violence, as defined, is detrimental to the best interest of the child.	Stats. 1997, ch. 849.
AB 356 (Figueroa)	<b>Court orders</b> Requires the Judicial Council to develop a single, standard form for all restraining orders issued under the Domestic Violence Prevention Act, including emergency protective orders (EPOs), orders to show cause, temporary restraining orders (TROs), and restraining or protective orders including those involving child custody. Also states that no additional service of process is required if a respondent has already been served with a TRO or EPO that does not differ from the subsequent order.	Stats. 1997, ch. 347.
SB 115 (Burton)	<b>Criminal procedure: civil compromise</b> Prohibits civil compromise in misdemeanor domestic violence cases.	Stats. 1997, ch. 18.
SB 564 (Solis)	<b>Domestic violence: visitation</b> In a proceeding under the Domestic Violence Prevention Act, authorizes a court to issue visitation orders where the petitioner and respondent are the parents of the same minor child, regardless of marital status.	Stats. 1997, ch. 396.
AB 75 (Alby)	<b>Crimes of violence: civil compromise: reports of injuries</b> Prohibits civil compromise in misdemeanor domestic violence cases.  <b>The version that was actually chaptered was not a domestic violence bill.</b>	Stats. 1998, ch. 452.
AB 260 (Alby)	<b>Domestic violence</b> Prohibits a parent from being awarded custody of a child if that parent has been convicted in a criminal court of the murder or voluntary manslaughter of the other parent. Also prohibits a parent from being awarded custody if that parent has been found liable in a civil action for wrongful death with malice of the other parent and has previously been convicted of domestic violence against the other parent.	Failed passage.

AB 1531 (Shelley)	<b>Domestic violence: CLETS</b> Requires court personnel to transmit data to the Department of Justice (DOJ) through the California Law Enforcement Telecommunications System (CLETS) upon the issuance of a criminal court protective order. The criminal court protective orders would be included in the Domestic Violence Protective Order Registry that is maintained by the DOJ.	Stats. 1998, ch. 187.
AB 2177 (Kuehl)	<b>Domestic violence: protective orders</b> Brings California law into compliance with the federal Violence Against Women Act with respect to the statewide Domestic Violence Protective Order Registry (18 U.S.C.A. Section 2265). The author intends to delete proposed amendments to Family Code section 6250, dealing with the issuance of emergency protective orders, and proposed amendments to Family Code section 6387, dealing with providing copies of orders issued by other states. The bill will be narrowed to include only the following: (1) Requiring the Judicial Council to include a statement regarding enforcement of restraining orders in the informational packet it provides to courts. (2) Requiring the Judicial Council to adopt rules of court on the domestic violence protective order registration process, the filing of foreign protective orders, and the sealing of foreign protective orders. (3) Deleting the requirement that an order issued by another state must be in the registry before it can be enforced.	Stats. 1998, ch. 702.
AB 2700 (Kuehl)	<b>Domestic violence courts</b> Requires the Judicial Council to evaluate the merits and effectiveness of domestic violence courts in California and other states, and to make recommendations to the Legislature by January 1, 2000, regarding establishing domestic violence courts in every county.	Stats. 1998, ch. 703.
AB 2801 (Judiciary Committee)	<b>Civil proceedings: dissolution of marriage: harassment: conservatorships and probate</b> Confirms various technical procedures and definitions for obtaining restraining orders under the Domestic Violence Prevention Act and the Code of Civil Procedure.	Stats. 1998, ch. 581.
AB 59 (Cedillo)	<b>Elder or dependent adults: abuse: protective orders</b> Amends Family Code and adds W&I Code section 15657.03 to provide a mechanism for elder and dependent adults to obtain protective orders against an unrelated person who is abusing them emotionally, physically, and/or financially. Amends Penal Code to make violation of these protective orders a misdemeanor.	Stats. 1999, ch. 561.

SB1340 -

AB 207 (Thomson)	<b>Invasion of privacy: recording communications; harassment</b> Amends Penal Code sec. 633.6 to authorize a judge issuing an order to include a provision in the order that permits the victim to record any prohibited communication made to him or her by the perpetrator. Requires the Judicial Council to amend its domestic violence prevention application and order forms to incorporate the provisions of this section.	Stats. 1999, ch. 367.
AB 403 (Romero)	<b>Domestic Violence: copy of incident report</b> Adds Family Code sec. 6228 to require each state and local law enforcement agency to make available to a victim one copy of the domestic violence incident report during regular business hours no later than two working days after the victim's request. Additionally requires the agency to provide in writing if good cause exists reasons why the report was not available and then must make the report available within 10 days of the request.	Stats. 1999, ch. 1022.
AB 825 (Keeley)	<b>Domestic violence: protective and restraining orders</b> Amends Family Code sec. 6380 to provide that only protective and restraining orders issued on forms adopted by the Judicial Council and approved by the Department of Justice may be transmitted to the department. Renames the Domestic Violence Protective Order Registry, the Domestic Violence Restraining Order System. Amends Code of Civil Procedure section 527.6 to provide that failure of a court to issue an order pursuant to this section on a Judicial Council approved form does not render the order unenforceable.	Stats. 1999, ch. 661.
SB 218 (Solis)	<b>Domestic violence: confidential information, etc.</b> Authorizes court to issue unofficial translations of domestic violence restraining orders. Requires Judicial Council to translate DV order forms. Amends Family Code sec. 6343 to authorize the court, after notice and a hearing, to order a restrained person to participate in a batterer's treatment Program. Amends Penal Code sec. 1328 to authorize the court with jurisdiction over case to appoint a guardian ad litem to receive service of a subpoena of a child and power to produce the child. Amends Penal Code sec. 11163.3 to authorize disclosure by the domestic violence death review team of otherwise confidential or privileged information regarding the victim or any other information deemed relevant, to members of that team.	Stats. 1999, ch. 662.
AB 205 (Leach)	<b>Domestic violence: name change</b> Amends CCP section 1277 to require where a petition for change of name is brought by a participant in the address confidentiality program that the petition and the order of the court indicate that the proposed name is confidential and is on file with the Secretary of State.	Stats. 2000, ch. 33.

AB 1705 (Gallegos)	<b>Domestic violence courts</b> Adds Family Code section 6395 to establish the Domestic Violence Court Trust Fund. Appropriates \$15,000,000 from the General Fund to be deposited in the trust fund and authorizes the Judicial Council to administer the funds for the purpose of providing assistance to local trial courts to create new domestic violence courts and improve and expand existing ones.	Failed passage.	
AB 1754 (Robert Pacheco)	<b>Courts: domestic violence departments</b> Adds Family Code section 6396 to establish the Domestic Violence Court Services Trust Fund in the state treasury for the purpose of providing funding for probation and other court-ordered services for domestic violence courts to be administered by the Judicial Council. Appropriates \$3,400,000 from the General Fund to the trust fund for these purposes.	Failed passage.	
AB 1886 (Lowenthal)	<b>Training requirements: batterers' treatment program</b> Adds Penal Code section 1203.098 to recharacterize batterer's programs as batterers' intervention programs and requires facilitators of these programs to meet minimum training requirements and a minimum of continuing education.	Stats. 2000, ch. 544.	
AB 2357 (Honda)	<b>Victims of Domestic Violence Employment Leave Act</b> Amends Labor Code 230 to establish the Victims of Domestic Violence Employment Act which prohibits an employer from discharging or discriminating or retaliating against an employee who is a victim of domestic violence and who takes time off to seek medical attention, to obtain services from a domestic violence program, to obtain psychological counseling, or to participate in safety planning.	Stats. 2000, ch. 487.	
AB 2589 (Gardenas)	<b>Domestic violence: interpreters</b> Requires the appointment in domestic violence proceedings and in other settings mandated by the court of an interpreter for a person who is deaf or hearing impaired as well as for a person not proficient in English.	Failed passage.	
AB 2914 (Judiciary)	<b>Temporary restraining orders</b> Amends Family Code section 243 to provide where a temporary restraining order is issued with notice pending the hearing, the applicant must serve on the respondent the documents at least 15 days before the hearing.	Stats. 2000, ch. 90.	
SB 1340 (Solis/Alpert)	<b>Domestic Violence courts</b> Establishes the California Domestic Violence Task Force to be coordinated by the Judicial Council. Requires the creation of a set of model guidelines for establishing and operating domestic violence courts throughout the state. Requires the task force, by March 1, 2002, to submit its report and recommendations for model guidelines to the Judicial Council and the Legislature. Appropriates \$100,000 to the Judicial Council.	Vetoed.	