

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 368

2015 Regular Session

Badon

FAMILY VIOLENCE: Establishes family justice centers to assist victims of certain offenses

Synopsis of Senate Amendments

1. Amends provisions relative to the obtaining of material or information, including material otherwise made confidential or privileged, from any public agency, department, or other organization, to provide that this information may be obtained only if a multi-disciplinary team (MDT) conference is formed pursuant to proposed law and the district attorney and chief law enforcement agency in the parish participate.
2. Makes technical corrections.

Digest of Bill as Finally Passed by Senate

Proposed law does all of the following:

- (1) Authorizes the establishment of a family justice center in any judicial district to provide multiagency and multidisciplinary support and services to victims of domestic abuse, sexual assault, stalking, cyberstalking, cyberbullying, and human trafficking and to persons protected by the Adult Protective Services Act pursuant to present law.
- (2) Provides for the types of services and support made available at a family justice center.
- (3) Authorizes a family justice center established in one judicial district to serve victims from geographically contiguous judicial districts.
- (4) Authorizes each family justice center to consult with, contract with, work with, or be staffed by personnel from any public, private, or nonprofit entity providing services within any of the judicial districts served by and participating in the family justice center.
- (5) Requires each family justice center to establish procedures for the evaluation of its operations, develop policies and procedures to ensure coordinated services are provided to victims, and maintain a formal process for receiving feedback, complaints, and input from persons receiving services at the family justice center and for addressing any concerns about services provided or the operations of the family justice center.
- (6) Prohibits any family justice center from denying services to any victim on the grounds of the victim's criminal history, requesting the criminal history of a victim without the victim's written consent unless pursuant to a criminal investigation, requiring a victim to participate in the criminal justice system or cooperate with law enforcement in order to receive services at a family justice center, or requiring a victim to sign a consent form to share information in order to access services at the family justice center.
- (7) Provides that if a multi-disciplinary team (MDT) conference is formed pursuant to proposed law and the district attorney and chief law enforcement agency in the parish participate, the MDT may obtain information from a public agency, department, or other organization, including material otherwise made confidential or privileged.

Provides for limitations on the disclosure and use of this information.

- (8) Provides that the 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.
- (9) Requires each family justice center to maintain a client consent policy, to comply with all state and federal laws protecting the confidentiality rights and identity of the victim, and to designate a privacy officer to develop and oversee privacy policies and procedures consistent with state and federal privacy laws.
- (10) Requires each family justice center 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 when the person is required by law to report or disclose specific information or incidents.
- (11) Provides that consent by the victim to share information within a family justice center pursuant to the provisions of proposed law is not a universal waiver of any existing evidentiary privilege or confidentiality provision provided by law.
- (12) Requires each family justice center to 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.
- (13) Provides immunity from civil liability to any person providing services to a victim at a family justice center 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.

Proposed law recognizes the proposed law limitations on records obtained through the course of providing services to a victim or used or developed in providing services to a victim at a family justice center in the Public Records Law.

(Amends R.S. 44:4.1(B)(31); Adds R.S. 46:1860-1863)