



AB 1028 (McKinnor) Centering Survivor Health and Safety FACT SHEET

Sponsor: Kate Vander Tuig, Futures Without Violence, kvanderTuig@futureswithoutviolence.org;
Krista Colon, California Partnership to End Domestic Violence, Krista@cpedv.org

Staff Contact: Sierra Sheppard, (916) 319-2061

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ISSUE

Current law requires health care providers to make a report to law enforcement when treating violent physical injuries, even when the injured patient does not want to make a report. Studies show this required reporting may keep survivors from seeking help or sharing information with their health care providers due to fear of unwanted contact with police.

While the current statute covers a broad range of physical injuries, survivors of domestic and sexual violence can be put in more danger with non-consensual reports to law enforcement. In a survey of survivors who had experienced mandated reporting, 83 percent stated mandatory reporting made the situation much worse, somewhat worse, or did nothing to improve the domestic violence situation. Other research demonstrates that mandatory reporting laws can discourage immigrant survivors from seeking health care. This is due to fear that law enforcement involvement could lead to detention or deportation for themselves or their family in cases where they lack protected status. When providers are able to have open, trauma-informed conversations with patients about abuse, survivors are four times more likely to access an intervention, such as domestic violence advocacy. Additionally, medical mandated reporting requirements may place women of color, particularly Black women, at risk of increased violence.

SOLUTION

AB 1028 will ensure survivors can access healthcare services by creating a survivor-centered, trauma-informed approach and limit non-consensual and potentially dangerous referrals to law enforcement. In addition, if a health provider knows or suspects a patient is experiencing any kind of domestic and sexual violence, not just physical, they will be required to offer a referral to a local domestic violence and sexual violence advocacy program or the National Domestic Violence hotline.

Changes in this statute would not affect the separate statutes that require medical mandated reporting for child abuse and elder abuse. In addition, patients can still work with law enforcement if that is what they choose. This change would increase access to healthcare and ensure that survivors are provided the agency and information they need to be safe and healthy.

SUPPORT

Alliance for Boys and Men of Color (Co-Sponsor)

California Partnership to End Domestic Violence (Co-Sponsor)
C ulturally Responsive Domestic Violence Network (Co-Sponsor)
Futures Without Violence (Co-Sponsor)
Los Angeles LGBT Center (Co-Sponsor)
UC Irvine School of Law Domestic Violence Clinic (Co-Sponsor)
Academy on Violence and Abuse
Alliance for Boys and Men of Color
American College of Obstetricians and Gynecologists – CA
Asian Americans for Community Involvement
Bay Area Legal Aid
California Coalition for Urban Indian Health
California Health+ Advocates (California Primary Care Association)
California LGBTQ+ Health and Human Services Network
California Medical Association
California Nurses Association
California Pan-Ethnic Health Network
California Women’s Law Center
Center for Partner Inflicted Brain Injury
Center for the Pacific Asian Family
CHAN-BOF For Peace Collaborative
Citizens for Choice
Coalition to Abolish Slavery and Trafficking
Communities United for Restorative Youth Justice
Community Resource Center of Encinitas
Community Solutions
DeafHope
East Los Angeles Women’s Center
Ella Baker Center for Human Rights
Empower Yolo
Family Assistance Program
Family Violence Appellate Project
Family Violence Law Center
FreeFrom
Haven Women’s Center of Stanislaus
HEAL Trafficking
Health Alliance for Violence Intervention
Initiate Justice
Jenesse Center
Korean American Family Services
La Defensa
Little Hoover Commission
Los Angeles Dependency Lawyers
Lumina Alliance
National Association of Social Workers -CA Chapter
Next Door Solutions to Domestic Violence
Planned Parenthood Affiliates of California
Prevention Institute
Public Health Institute
Safe Alternatives to Violence Environments (SAVE)
San Diego LGBT Community Center
San Francisco Public Defender
Sheedy Consulting
Sister Warriors Freedom Coalition
Stonewall Alliance of Chico
Strong Hearted Native Women’s Coalition
Sunita Jain Anti-Trafficking Initiative (Loyola Law)
The Collective Healing and Transformation Project (CHAT)
The W. Haywood Burns Institute
Training in Early Abortion for Comprehensive Health Care
Woman Inc.
Young Women’s Freedom Center
Youth Leadership Institute