



Appropriations: Investing in a Safer Texas

FAMILY VIOLENCE SERVICES

The Texas Council on Family Violence (TCFV) commends the Texas Legislature for standing with victims and appropriating \$65.3 million in funding for core services for the 2022-2023 biennium.

This funding will be distributed through the Health and Human Services Commission Family Violence Program to Family Violence Centers which are in nearly every county in our state offering comprehensive services including hotlines, advocacy, shelter, and counseling services. For the thousands of victims of family violence who seek services every year, these centers are a lifeline and the dedicated advocates who offer these services are essential workers supporting survivors and their families.

This funding represents a continued commitment from the Texas Legislature to reduce a capacity crisis that had resulted in nearly 1 out of every 2 victims being turned away from shelter solely due to lack of space in 2019.

With funds appropriated from the 86th Legislature, this number went down measurably in 2020, however, the need for victim safety supports has grown. The pandemic has resulted in an increased risk of violence and a decreased sense of safety for victims, prompting a desperate and growing need for victim safety support. In recognition of this grave need, **the 87th Texas Legislature appropriated \$13 million in funding to enhance family violence services and break down barriers to safety** with funds targeted to address the capacity crisis, as well as offer legal, mental health, housing, and economic stability services. TCFV applauds our state Legislators for their support of victim safety and stability via these appropriated funds.

Offender Accountability

BATTERING INTERVENTION
& PREVENTION PROGRAMS
(BIPPs)

The Legislature maintained funding for BIPPs at \$3.5 million over the biennium. BIPPs are offender accountability programs that offer alternatives to incarceration via violence intervention that promotes healthy, nonviolent relationships and parenting skills. BIPPs offer group educational sessions to hold those who batter accountable for their actions and are a cost-effective effort that supports meaningful change in Texas communities. Increasing safety for victims of family violence is the fundamental goal of BIPPs.

Texas is a national leader in BIPPs with 30 years of commitment to maintaining programs, funding services, and oversight of service delivery. This funding is administered within the Community Justice Assistance Division's appropriations of the Texas Department of Criminal Justice.

Lethality Reduction

DOMESTIC VIOLENCE
HIGH-RISK TEAMS
(DVHRTs)

In Texas, nearly 1,400 women were murdered by their intimate partners in the last 10 years. DVHRTs create a community coordinated initiative in which survivors at the highest lethality risk are identified and receive enhanced support from law enforcement, family violence advocates, prosecutors, and others. This wraparound model holds offenders accountable and is a trauma-informed approach to maximize victim safety at a time where it is the most lethal for them and their families.

In the 87th Legislature, funding was maintained for DVHRTs at \$600,000 with funds appropriated to the Office of the Attorney General.



Changing the Landscape for Survivors

TCFV PRIORITY LEGISLATION

Achieving Greater Safety through Conditions of Bond

HB 766: Representative Harless, et al., sponsored by Senator Kolkhorst



Judges may issue **Conditions of Bond (COBs)** to protect victims when they magistrate a person arrested for domestic violence or another violent offense. However, when law enforcement officers are unable to verify COBs in the Texas Crime Information Center (TCIC), they generally cannot enforce these conditions. As a result, victims, law enforcement, and the community remain at risk, and offenders are often not held accountable if they violate COBs. Further, the law previously did not include a directive to inform victims when the conditions of bond are issued for their safety.

HB 766 requires a magistrate to notify the Sheriff when such conditions are issued and then requires the sheriff to enter the COBs into the TCIC, so they are accessible and verifiable by law enforcement. The bill further requires the sheriff to notify the victim of the conditions that are intended to protect them. HB 766 addresses previous gaps in processes to bolster victim safety, law enforcement response, and offender accountability. This law takes effect on January 1, 2022.

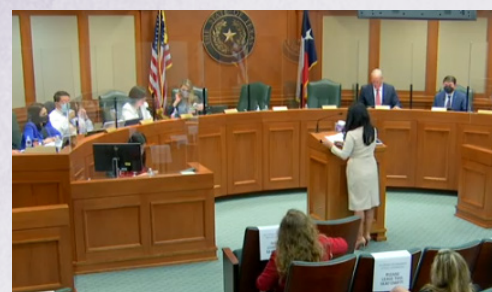
these orders to be effective, they must be accessible within a prompt time frame and the statutes and orders must be clear and explicit as to their validity for enforcement. Over the years, survivors, advocates, and attorneys have identified necessary changes and updates to our protective order and criminal codes to promote the continued efficacy of protective orders as the main tools for survivor safety and perpetrator accountability.

HB 39 includes numerous improvements to the family violence PO statutes ensuring timely issuance of default orders once the respondent has been served and notice and entry of the extended expiration date in the TCIC when the respondent is incarcerated. The law also affirms that agreed protective orders are enforceable, even without findings. The bill also makes changes to application and eligibility for protective orders under the Code of Criminal Procedure for victims of sexual assault and abuse, stalking, and trafficking. This law takes effect September 1, 2021.

Protective Orders are a key tool many survivors seek as part of their safety planning. For

Improving Protective Order Statutes

HB 39: Representative Neave et al., sponsored by Senator Zaffirini



Cellular phones are ubiquitous for most Texans, connecting us to everything from our work to our loved ones. For victims of family violence in our state, cell phones represent a lifeline to critical interventions like family violence services and law enforcement intervention. When a victim takes the difficult step to leave their abuser, access to a safe cell phone that is solely their own is paramount, yet disconnecting from the family plan, especially if owned by the abuser, is difficult. While some wireless carriers do allow for this separation, it can come with a need for approval from the abusive partner which would serve to put the victim at enhanced risk. Other times there can be substantial penalties or cancellation fees.

HB 1372 provides a solution by creating the ability for victims to seek specific protective orders under the Family Code creating an order to request separation of their wireless cell phone number from their abusers account without attaching any prior fees or additional charges beyond which are customary, including not requiring the payment of any outstanding balance on the account. This removes one technology and economic barrier for many survivors in the state of Texas. The law takes effect on September 1, 2021.

Removing Barriers to Cell Phones

HB 1372: Representative Guerra, et al., sponsored by Senator Zaffirini



Changing the Landscape for Survivors

TCFV PRIORITY LEGISLATION

Family violence is an issue that touches nearly every Texan's life, with 1 out of every 3 people statewide experiencing it in their lifetime. For many of these victims, fleeing violence can mean leaving quickly and, as they do so to seek safety, it is often without critical documents like **birth certificates, drivers' licenses, and personal identification certificates (ID cards)**. Without access to these documents, the victim is effectively cut off from accessing employment, housing, educational opportunities, and other economic support, all of which are essential to achieving freedom from abuse. When victims have access to these critical life-saving documents, physical safety and access to systems that support housing and economic stability are increased. All too often the barrier to these identification documents is simple; the fees attached to reissuing them.

SB 798 provides a clear removal of this financial barrier to access these documents by creating fee waivers funded through donations from generous Texans when renewing their driver's licenses or ID cards. Providing these identification documents at no cost to victims will remove a financial barrier and create greater opportunities for safer housing and financial stability, which increases overall victim safety. This law takes effect on September 1, 2021.

Obtaining Birth Certificates, Driver's Licenses and State ID's

SB 798: Senator Nelson, sponsored by Representative Neave



Streamlining Relief for Victims of Coerced Debt

HB 3529: Representative Meyer, sponsored by Senator Zaffirini



For most survivors of domestic violence, financial abuse is also a tactic and component of their victimization that further entraps them. For some survivors, financial abuse can include a specific type of identity theft—**coerced debt**. Coerced debt is debt incurred by an abuser, in the name of a victim of domestic violence, through threat, force, or fraud. When seeking relief from this form of identity theft, survivors often face pushback from credit bureaus and debt collectors even when they have a police report alleging identity theft.

HB 3529 builds on important changes from the 2019 Legislative Session that updated the criminal definition of identity theft to include debts incurred through coercion and updates the definition of identity theft under Chapter 521 of the Business and Commerce Code, streamlining Texas law to ensure clear access to remedies for victims of coerced debt. Chapter 521 enables coerced debt victims to be declared victims of identity theft in state district court, and such a declaration from a court can be used as a defense in a debt collection lawsuit to remove coerced debts from a credit report and to stop other collection efforts. This law takes effect September 1, 2021.

Thanks to our People, Partners, and Allies

We'd like to recognize the entire TCFV staff for their support during this past Session, with special applause for our incredibly dedicated Policy Team. TCFV thanks each person who submitted a Purple Postcard and who contacted their legislators in support of survivors during the 87th Session. Each of you contributed to our successful efforts to increase funding for family violence programs. In addition, many dedicated individuals provided testimony at events and hearings, met with their elected officials, and provided feedback for initiatives. To our coalition partners in advocacy, thank you for answering the call on behalf of survivors and our mission for a safer Texas.

Thanks to the 87th Texas Legislature

Members of the 87th Texas Legislature displayed overwhelming support for survivors of family violence, their families, and their communities. TCFV thanks each Senator and Representative who served and all the Legislative staff who worked tirelessly through this unprecedented Session.

Our Advocacy Continues

PRIORITIES FOR THE FUTURE



Prevention: Implementing Required School Dating Violence Policies

In 2007, Texas became one of the first states in the country to have required dating violence policies in schools, including language that these efforts focus on education and awareness, outlined in Section 37.0831 of the Texas Education Code. Despite these long-standing requirements, implementation was inconsistent.

In this session, Senator West authored SB 1109 in honor of Christine Blubaugh who was murdered by her ex-boyfriend in 2000. SB 1109 sought to provide tools to fully implement dating violence education requirements, as well as those for child abuse and family violence, includ-

ing clear pathways to supporting affected students and providing information regarding abuse warning signs.

This critical piece of legislation was vetoed by Governor Abbott with a request for the Legislature to add parental rights to opt-out of education. TCFV continues to prioritize efforts to support youth impacted by dating violence via training to school professionals, ensuring minor victims are aware of their rights and remedies under the law, and prevention efforts to build supportive communities of engaged youth.

DV Homicide Reduction: Implementing Existing Firearm Prohibitions

In 2001 the Texas Legislature enacted firearm prohibitions for family violence offenders to address the lethality associated with perpetrators of family violence with access to firearms. Though these laws have been on the books for two decades, most communities in Texas lack sufficient firearm transfer protocols to ensure these dangerous individuals do not possess a firearm when the lethality risk is highest.

In this session, Senator West authored SB 1967 to again promote and encourage the development of firearm surrender protocols. SB 1967 sought to establish a multidisciplinary task force of practitioners, experts, and advocates to develop needed guidance and tools for communities to utilize in crafting their own surrender protocols.

SB 1967 did not receive a committee hearing and our efforts to add task force language to other bills were unsuccessful. HB 1927, the 'Texas Firearm Carry Act of 2021,' enhanced the penalty for unlawful possession of a firearm by those convicted of domestic violence offenses and protective order respondents, a provision included according to members to protect domestic violence victims. To achieve this protection, however, we must, as a state, support the meaningful implementation of existing prohibitions. TCFV continues to prioritize efforts towards the development and implementation of essential protocols to safeguard victims and the public from violent, prohibited possessors maintaining access to firearms.

Gratitude and Appreciation

TCFV PUBLIC POLICY COMMITTEE

In the year leading up to a legislative session, TCFV follows a deliberate process in developing its substantive legislative priorities. A key component of this process is our **Public Policy Committee**, composed of professionals addressing and responding to family violence in our state. The committee's feedback and guidance represent an instrumental component of vetting ideas and focusing on measures that will be most impactful and achievable. Members of the Public Policy Committee also play a critical role in strategy and advocacy throughout the Legislative Session. We commend and appreciate the participation and efforts of each member.

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46th Judicial District
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Texas Housers (Austin)

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Alliance for Safety
and Justice (Austin)

Nikhita Ved

SAFE Alliance (Austin)

We proudly acknowledge the integral role of the TCFV Board in our success in the 87th Session.

Jim Womack

Lorie Dunnam

Lyndia Allen

Toni Johnson-Simpson

Marta Pelaez

Ryan Shriver

Maricarmen Garza

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Frances Wilson

Darlene Lanham

Twila Carter

Shirley Cox

Staley Heatly

Elizabeth Lippincott

Katie Pothier

Zena Stephens

SUNWEST
COMMUNICATIONS
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SUNWEST COMMUNICATIONS PROUDLY SUPPORTS THE TEXAS COUNCIL ON FAMILY VIOLENCE AND ITS LIFE-SAVING WORK THROUGH DOMESTIC VIOLENCE PREVENTION, POLICY AND PROGRAMS.

