
SENATE COMMITTEE ON HUMAN SERVICES

Senator Hurtado, Chair

2021 - 2022 Regular

Bill No:	SB 1054		
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Version:	February 15, 2022	Hearing Date:	March 29, 2022
Urgency:	No	Fiscal:	Yes
Consultant:	Bridgett Hankerson		

Subject: Public social services: records

SUMMARY

This bill adds protective services provided through a public social services agencies to those applications and records concerning any individual to remain confidential and allows employees of county adult protective (APS) and child welfare service (CWS) agencies to disclose information with one another to prevent, intervene, manage, and treat abuse or neglect of children, elders, or dependent adults.

ABSTRACT

Existing Law:

- 1) Establishes a state and local system of child welfare services, including foster care, for children who have been adjudged by the court to be at risk of abuse and neglect or to have been abused or neglected, as specified. (*WIC 202*)
- 2) Declares that elders and dependent adults may be subjected to abuse, neglect, or abandonment and that the state has the responsibility to protect them. Further provides for uniform state guidelines, which specify when county adult protective service agencies are to investigate allegations of abuse of elders and dependent adults and the appropriate role of local law enforcement, in order to ensure that a minimum level of protection is provided to elders and dependent adults in each county. (*WIC 15600(a) and (i)*)
- 3) Authorizes APS agencies and local long-term care ombudsman programs, within their jurisdiction and statutory authority, to investigate elder and dependent adult abuse and criminal neglect, and to assist local law enforcement agencies in criminal investigations at the law enforcement agencies' request, if consistent with federal law, as specified. (*PEN 368.5(b)*)
- 4) Defines "adult protective services" to mean a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including support staff and maintenance staff. (*WIC 15610.13*)

- 5) Permits each county to establish a computerized database system within that county to allow provider agencies to share certain identifying information about families at risk for child abuse or neglect in order to form a multidisciplinary team for the prevention, identification, management, or treatment of child abuse or neglect, or for the provision of child welfare services to a child or child's family. (*WIC 18961.5 et seq.*)
- 6) Permits a county to establish a child abuse multidisciplinary personnel team to allow provider agencies to share confidential information in order for provider agencies to investigate reports of suspected child abuse or neglect, as specified, or for the purpose of child welfare agencies making a detention determination. (*WIC 18961.7(c)*)
- 7) Requires, except as otherwise provided, all applications and records concerning any individual made or kept by a public officer or agency in connection with the administration of any provision of any form of public social services for which grants-in-aid are received by the state and federal government to be confidential, and not be open to examination for any purpose not directly connected with the administration of that program, or any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of that program. Further prohibits disclosure of information that identifies, by name or address, an applicant for, or recipient of, these grants-in-aid to any committee or legislative body, except as provided. (*WIC 10850(b)*)
- 8) Allows sharing of information to other public agencies to the extent required for verifying eligibility or other purposes directly connected with the administration of public social services, or to county superintendents of schools or school districts, only as necessary for the administration of federally assisted programs providing in cash or in-kind or services directly to individuals on the basis of need, and stipulates that if any person knowingly and intentionally violates this, they are guilty of a misdemeanor (*WIC 10850(d)*)
- 9) Defines "abuse of an elder or a dependent adult" to mean physical abuse, neglect, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering, or financial abuse, as defined. (*WIC 15610.07(a); and (PEN 368.5(A)(i))*)
- 10) Defines an APS "multidisciplinary personnel team (MDT)" to mean, any team of two or more persons who are trained in the prevention, identification, management, or treatment of abuse of elderly or dependent adults and are qualified to provide a broad range of services related to abuse of elderly or dependent adults. Further, provides that the MDT may include, but not be limited to, any two of the following: psychiatrists, psychologists; police officers or other law enforcement agents, including district attorneys; social workers with experience or training in prevention of abuse of elderly or dependent adults; public guardians, public conservators, or public administrators; long-term care ombudsman; and/or child welfare services personnel, as specified. (*WIC 15610.55 et seq. and WIC 10850.1*)

- 11) Defines child welfare “multidisciplinary personnel team” to mean, any team of three or more persons who are trained in the prevention, identification, management, or treatment of child abuse or neglect cases, as specified. Provides that the MDT may include, but need not be limited to, any of the following: psychiatrists, psychologists, marriage and family therapists, clinical social workers, professional clinical counselors; police officers or other law enforcement agents; medical personnel with sufficient training to provide health services; social workers with experience or training in child abuse prevention, identification, management, or treatment; teachers; as provided. (*WIC 18951 et seq; WIC 10850.1*)
- 12) Allows, with the informed written consent of the family, for a CalWORKs case manager to be included in a child welfare MDT to provide cross program case planning and coordination of CalWORKs and child welfare services, as specified. *WIC 18951(d)(6)*

This Bill:

- 1) Adds protective services provided through a public social services agencies to those applications and records concerning any individual made or kept by a public officer or agency in connection with the administration of any form of public social services to those that must be kept confidential and not be open to examination, as provided.
- 2) Allows employees of a county APS or a CWS agency to disclose information with each other to prevent, intervene, manage or treat:
 - a. Child abuse or neglect; or
 - b. Abuse or neglect of an elder or dependent adult.

FISCAL IMPACT

This bill has not yet been analyzed by a fiscal committee.

BACKGROUND AND DISCUSSION**Purpose of the Bill:**

According to the author, “despite county APS and CWS agencies having significant overlap for their work, they are unable to share relevant information across their teams. Current statutes do not explicitly permit CWS and APS multidisciplinary teams to share information related to an investigation for instances where members of the household are being served, or in need of services, across both programs.”

The author goes on to state, “by clarifying that CWS and APS teams can disclose information with each other for the purposes of multidisciplinary team work, SB 1054 will ensure that the agencies can provide a coordinated response and close the large information gaps that persist

from a disjointed approach. Allowing for the appropriate collaboration of these teams will reduce duplicative responses and ensure that individuals are referred to the most impactful resources to meet their needs in a more holistic approach.”

Child Welfare Services (CWS)

The CWS system is an essential component of the state’s safety net. Social workers in each county receive reports of abuse or neglect, and work to investigate and resolve those reports. When a case is substantiated, a family is either provided with services to ensure a child’s well-being and avoid court involvement, or a child is removed from the family and placed into foster care. As of October 1, 2021, there were 58,072 children in California’s CWS system.

Child Abuse and Neglect Investigations

Suspicion of child abuse or neglect can be reported to either law enforcement or a county child welfare agency, usually through the Child Protective Services (CPS) hotline. Through the hotline, which is staffed 24-hours, trained social workers are available to receive calls on suspected abuse cases. These reports are often made by mandated reporters who, because of their profession, are legally required to report any suspicion of child abuse or neglect. In California, mandated reporters include: teachers, doctors, social workers, mental health professionals, and child care providers, among others. In addition to mandated reporters, any individual who believes a child may be suffering abuse or neglect can make a report to law enforcement or the county child welfare agency.

Calls received by the CPS hotline are screened by social workers who attempt to determine if the caller is reporting alleged abuse, neglect, or exploitation. Based on the information gathered in the report, CPS determines if the report warrants an in-person visit from a county social worker to investigate the allegations. If an in-person visit substantiates the allegations, the social worker may determine the family is in need of services to ensure the child’s well-being and avoid court involvement, or determine it is in the child’s best interests to be removed from home. If removal is determined to be in the best interest of the child, the county petitions the court to adjudicate the child as a dependent of the court, which enters the child into the state’s foster care system.

In 2021, there were 400,313 reports of possible child abuse or neglect recorded in California. Out of these 391,464 reports, 107,918 were allegations of sexual or physical abuse, 199,675 were allegations of severe or general neglect, and 47,466 were allegations of emotional abuse. The remaining cases fall into the following categories: 480 were reports of exploitation; 3,532 were allegations of caretaker absence or incapacity; and 41,184 were allegations of a child being at risk because a sibling was alleged to be abused or neglected. Additionally, of the 400,313 reports of abuse or neglect, 281,651 of the allegations were investigated and 118,662 were determined to not warrant an investigation. Of the total allegations, 61,438 were substantiated and of those substantiated cases 23,860 children entered foster care.¹

Adult Protective Services (APS)

¹ <https://ccwip.berkeley.edu/Dashboard/SafetyDashboard.html>, 2020 and 2021 data.

APS is a state-mandated program, located in all 58 counties, that provides an around the clock response and limited intervention in the form of information and referral to other agencies, assessment, and case management services to assist elder adults (60 and older), and dependent adults (18-59) who are suffering from or at risk of abuse, exploitation, or neglect, including self-neglect. APS reviews reports of abuse or neglect of elders and dependent adults who live in private homes, apartments, hotels or hospitals. APS also educates the public about reporting requirements and responsibilities under the Elder and Dependent Adult Abuse Reporting laws. Any elder or dependent adult is eligible for Adult Protective Services if they: (1) reside in housing other than a long-term care facility, state hospital, or state developmental center; (2) are alleged to have been abused and/or neglected, and (3) have been determined by APS to be in need of service. Services are available to eligible persons, regardless of income.

In October 2021, there were 38,547 APS cases opened in California, and of those 29,566 were for elder abuse or neglect and 8,981 were dependent adult abuse or neglect. Out of those opened cases, 8,261 were individual allegations of self-neglect; 12,138 were individual allegations of abuse by others (such as physical, sexual, psychological, or financial abuse); and 263 were reports of hoarding. Of the total allegations, 11,309 were completed with findings and closed, 7,365 were completed with protective services, 1,665 refused services, and 2,097 were not completed due to a lack of information.²

Multidisciplinary Personnel Teams (MDTs)

MDTs have been authorized in California to allow for a coordinated interagency response to elder and child abuse cases since the passage of AB 1049 (*Bader, Chapter 353, Statutes 1987*). MDTs are formed and operated at the county level and afford their members with the ability to share confidential information among team members for the purposes of preventing, identifying, or treating child or elder and dependent adult abuse and neglect. MDTs are seen as an effective tool for conducting a timely and objective investigation, with the added benefit of facilitating coordination among the different agencies and entities participating on the team, enabling decisions to be made through team decision-making.

For the purposes of child abuse MDTs, current law defines a “provider agency” as meaning a governmental or other agency that has as one of its purposes the prevention, identification, management, or treatment of child abuse or neglect and includes, but is not limited to, the following entities or service agencies: social services; children’s services; health services; mental health services; probation; law enforcement; and school staff. Additionally, existing law provides for these teams to be made up of two or more persons who are trained in the prevention, identification, or treatment of child abuse and neglect cases and who are qualified to provide a broad range of services related to child abuse. Child abuse MDTs may include, but are not limited to, the following members: psychiatrists, psychologists, marriage and family therapists, clinical social workers, professional clinical counselors, or other trained counseling personnel; police officers or other law enforcement agents; medical personnel with sufficient training to provide health services; social services workers with experience or training in child abuse

² Adult Protective Services and County Block Grant Monthly Statistical Report, El Dorado County not reported. Data is from October 2021 and updated February 11, 2022. <https://www.cdss.ca.gov/inforesources/research-and-data/disability-adult-programs-data-tables/soc-242>. Please note, a single case could include more than one type of allegation of abuse.

prevention; and/or a public or private school teacher, administrative officer, supervisor of while welfare attendance, or certified pupil personnel employee.

For the purposes of elder or dependent adult abuse MDTs, current law already allows the teams to include child welfare personnel. Elder or dependent adult abuse MDTs may include but are not limited to, the following entities or service agencies: Psychiatrists, psychologists, other trained counseling personnel, law enforcement, district attorney, social workers with experience or training in prevention of abuse of elderly or dependent adults, public guardians, public conservators, local long-term care ombudsman, child welfare services personnel, health practitioners, housing representation and county counsel. However, existing law does not explicitly state that county APS personnel may participate in the CWS MDT.

CWS and APS Overlap

CWS' and APS' abuse and prevention work can overlap in several ways. This includes households that include minors, dependent adults and/or elderly individuals that would require multiple agencies to conduct investigations; formerly minor dependents aging and becoming dependent adults to be served by APS; and, alleged perpetrators of an APS investigation being known perpetrators in CWS investigation.

Despite these types of overlapping cases, this bill's sponsors, the County Welfare Directors Association and Riverside County, report CWS MDTs have constraints on their ability share information with APS MDT and vice versa. This bill would change current law to allow for employees of a county CWS and APS agencies to disclose confidential protective services information with one another to prevent, intervene, manage and treat abuse or neglect of children, elder or dependent adults.

Related/Prior Legislation:

AB 477 (Blanca Rubio, Chapter 93, Statutes of 2021) clarified that, if a county uses a child advocacy center to implement that multidisciplinary response, the team may include the child advocacy center and added a representative from the child's tribe to the list of specified individuals that may be included on the multidisciplinary personnel team, as provided.

SB 346 (Beall, Chapter 658, Statutes of 2013) clarified the definition of public social services to include publicly funded health care services administered or supervised by the Department of Health Care Services, as specified.

AB 1049 (Bader, Chapter 353, Statutes 1987) authorized MDTs to allow for a coordinated interagency response to elder and child abuse cases in California.

COMMENTS

This bill would allow county CWS and APS agency employees to share information with each other for the purposes of prevention, intervention, management, or treatment of children, elders, and dependent adults who suffer from abuse or neglect. According to the author, without this bill, a county's CWS and APS agencies are unable "to share relevant information across their

teams” because the statutes do not explicitly permit this communication between MDTs in cases where their work with a household overlaps. However, current law does allow for CWS agency employees to be a part of the county’s APS MDT. Currently, the bill is unclear as to whether the information sharing between county staff pertains to only to APS and CWS MDT members or to all APS and CWS staff employed by the county.

This Committee recommends the below amendments to provide some additional clarification that sharing of the information is only for MDT work to discuss cases where individuals are served by both CWS and APS agencies.

Please note the non-italicized text represents existing law, the italicized text represents what is currently in the bill, and the bold, underlined, italicized text represents the Committee’s proposed changes.

Amendment 1

10850(d) This section does not prohibit the furnishing of this information to other public agencies to the extent required for verifying eligibility or for other purposes directly connected with the administration of public social services, or to county superintendents of schools or superintendents of school districts only as necessary for the administration of federally assisted programs providing assistance in cash or in-kind or services directly to individuals on the basis of need. *This section also does not prohibit employees of a county’s adult protective agency or a county’s child welfare agency from disclosing information with each other for the **purpose of multidisciplinary team work in the prevention, intervention, management, or treatment of child abuse or neglect or abuse or neglect of an elder or dependent adult.** Any person knowingly and intentionally violating this subdivision is guilty of a misdemeanor.*

This bill is double referred to the Senate Judiciary Committee.

POSITIONS

Support:

The County Welfare Directors Association of California (Sponsor)

Oppose:

None received

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