

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

SB 1054 (Ochoa Bogh)
Version: April 7, 2022
Hearing Date: April 19, 2022
Fiscal: Yes
Urgency: No
AM

SUBJECT

Public social services: records: confidentiality: multidisciplinary personnel teams

DIGEST

This bill specifies that confidentiality provisions relating to applications and records concerning any form of public social services includes protective services provided through public social services agencies. The bill also authorizes employees of a county's adult protective services agency (APS) or a county's child welfare agency to disclose information with each other for the purpose of multidisciplinary teamwork in the prevention, intervention, management, or treatment of child abuse or neglect or the abuse or neglect of an elder or dependent adult, and makes conforming changes.

EXECUTIVE SUMMARY

Existing law authorizes multidisciplinary personnel teams (MDTs) to be formed and operated at the county level to allow for a coordinated interagency response to APS issues and child welfare services (CWS) issues, respectively. MDTs provide their members 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. According to the author and the sponsors of the bill, APS MDTs cannot share information with CWS MDTs, and vice versa, even though they often have overlapping cases. This bill addresses that issue by authorizing employees of an APS MDT and a CWS MDT to disclose information with each other for the purpose of multidisciplinary teamwork in the prevention, intervention, management, or treatment of child abuse or neglect or the abuse or neglect of an elder or dependent adult.

The bill is sponsored by the County Welfare Directors Association of California and Riverside County and County Welfare Directors Association of California. There is no known opposition. The bill was voted out of the Senate Human Services Committee on a vote of 4 to 0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides that all applications and records concerning any individual made or kept by a public officer or agency in connection with the administration of public social services are to be kept confidential and not open for examination, as provided and except as specified. (Welf. & Inst. Code § 10850(a).)
 - a) Provides that these provisions do 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. (Welf. & Inst. Code § 10850(d).)
- 2) Authorizes a county to establish a child abuse multidisciplinary team (MDT) 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, as provided. (Welf. & Inst. Code § 18961.7(c).)
 - a) Prohibits disclosure of information be made to anyone other than members of the child abuse multidisciplinary personnel team. (*Id.* para. (3), subd. (c).)
 - b) Provides that the same obligation and confidentiality penalties that apply to a person disclosing information also apply to a person receiving the information, and that information must be obtained in a manner that ensures maximum protection of privacy and confidentiality rights. (*Id.* subd. (f).)
- 3) 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. (Welf. & Inst. Code §15610.55.)
 - a) Authorizes persons who are trained and qualified to serve on MDTs to disclose to one another information and records that are relevant to the prevention, identification, or treatment of abuse of elderly or dependent persons, provides that the same obligation and confidentiality penalties that apply to a person disclosing information also apply to a person receiving the information, and that information must be obtained in a manner that ensures maximum protection of privacy and confidentiality rights. (Welf. & Inst. Code §15754.)

This bill:

- 1) Specifies that confidentiality provisions relating to applications and records concerning any form of public social services includes protective services provided through public social services agencies.
- 2) Provides that confidentiality provisions relating to applications and records concerning any form of public social services does not prohibit employees of a county's APS agency or a county's child welfare agency from disclosing information with each other for the purpose of multidisciplinary teamwork in the prevention, intervention, management, or treatment of child abuse or neglect or abuse or neglect of an elder or dependent adult, and makes conforming changes.

COMMENTS

1. Stated need for the bill

The Author writes:

Counties operate the Adult Protective Services Program (APS), which provides 24 hours/7 days a week response to reports of abuse and neglect of persons over the age of 65 and dependent adults. California's program for child protection is comprised of a number of services and interventions called Child Welfare Services (CWS) and encompasses emergency response, family maintenance, family reunification, and permanency services. Despite the fact that these agencies have 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. 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.

2. Background

State law provides that applications and records concerning and related to public social services are confidential and not open to examination for any purpose not directly related to the administration of the program. (Welf. & Inst. Code § 10850.) California has authorized MDTs since the passage of Assembly Bill 1049 (Bader, Ch. 353, Stats. 1987). MDTs allow for a coordinated interagency response to APS issues, such as elder

abuse, and CWS issues, such as child abuse cases. They are formed and operated at the county level and bring together the expertise of a wide range of persons trained in the prevention, identification, and treatment of abuse and neglect cases and who are qualified to provide services related to abuse. MDTs provide their members 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. Since members of an MDT have access to sensitive personal information and are sharing that information, existing law provides that the same obligation and confidentiality penalties that apply to a person disclosing information also apply to a person receiving that information and requires information to be obtained in a manner that ensures maximum protection of privacy and confidentiality rights.

MDTs are seen as an effective tool for conducting timely and objective investigations and facilitate coordination among the different agencies and entities participating on the MDT. However, according to the author and the sponsors of the bill, APS MDTs cannot share information with CWS MDTs despite often having overlapping cases. Cases can overlap for a variety of reasons, such as blended households, former minor dependents aging and becoming dependent adults served by APS, and alleged perpetrators of APS investigations being known perpetrators in CWS investigations. Allowing information sharing between APS and CWS teams would ensure that agency staff are better informed of the safety issues and risks when conducting investigations. Additionally, this facilitates the coordination of services and supports necessary to maintain vulnerable children, youth, and dependent adults in their homes and communities.

This bill addresses this issue by allowing APS teams and CWS teams to share information with each other for the purpose of multidisciplinary teamwork in the prevention, intervention, management, or treatment of child abuse or neglect or abuse or neglect of an elder or dependent adult. All existing protections for confidentiality and privacy would apply to any information shared between an APS and CWS team. Additionally, the bill clarifies that existing confidentiality provisions for applications and records of public social services includes protective services provided through public social services agencies.

3. Statements in support

The County Welfare Directors Association of California, a sponsor of the bill, writes:

[...] Many counties have established MDT's, or have ongoing meetings that are multidisciplinary in scope, both for APS and CWS investigations. Governed by state law, MDT's bring together the expertise of multiple individuals from different fields, all of whom are trained in the identification and treatment of abuse and neglect, including but not limited to: psychiatrists/psychologists, county mental health and social workers, law enforcement and educators.

Currently, MDT's are not explicitly allowed to share information between APS and CWS, even when households may be identified by both programs and where sharing of information would be valuable to enhance services and protect those at risk of abuse and neglect. For example, a current foster youth may come to the attention of APS as a dependent adult as they transition from the foster care system. Understanding the history of services received as a minor could improve services and supports provided to the individual as an adult. In other cases, there are ongoing parallel APS and CWS investigations within the same household containing dependent adults, seniors and youth where information sharing between APS and CWS can better align services and supports to meet family needs.

SB 1054 clarifies existing law by explicitly allowing APS staff and CWS staff to disclose information with each other for the specified and limited purposes of prevention, intervention, management or treatment of abuse or neglect of minors, dependent adults and those over the age of 65. This measure creates a streamlined process for the purposes of information sharing that will improve efficiency and better ensure a well-informed response to reports of abuse or neglect. [...]

SUPPORT

County Welfare Directors Association of California (Sponsor)

Riverside County and County Welfare Directors Association of California (Sponsor)

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 477 (Blanca Rubio, Ch. 93, Stats. 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, Ch. 658, Stats. 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.

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

PRIOR VOTES:

Senate Human Services Committee (Ayes 4, Noes 0)
