
CONSENT

Bill No: SB 1054
Author: Ochoa Bogh (R), et al.
Amended: 4/7/22
Vote: 21

SENATE HUMAN SERVICES COMMITTEE: 4-0, 3/29/22

AYES: Pan, Jones, Cortese, Kamlager

NO VOTE RECORDED: Hurtado

SENATE JUDICIARY COMMITTEE: 11-0, 4/19/22

AYES: Umberg, Borgeas, Caballero, Durazo, Gonzalez, Hertzberg, Jones, Laird, Stern, Wieckowski, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Public social services: records

SOURCE: County Welfare Directors Association of California
Riverside County

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. This 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.

ANALYSIS:

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. (*WIC 10850(a)*)

- 2) 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, and stipulates that if any person knowingly and intentionally violates this, they are guilty of a misdemeanor. (*WIC 10850(d)*)
- 3) 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. (*WIC 18961.7(c)*)
- 4) Defines child abuse “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. Further, 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. (*18951 et seq.*)
- 5) 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 (CWS) personnel, as specified. (*WIC 15610.55 et seq. and WIC 10850.1*)
- 6) 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. (*WIC 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.
- 3) Adds APS personnel to the list of personnel who are allowed to participate in a CWS MDT.

Comments

According to the author, "counties operate 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 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 MDTs 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 teamwork, 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. 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.

Adult Protective Services. 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 APS 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.

Multidisciplinary Personnel Teams. 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 of 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 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, CWS 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.

This bill adds APS personnel to the list of personnel who may participate in a 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 of California and Riverside County, report CWS MDTs have constraints on their ability share information with APS MDTs and vice versa. This bill changes 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. All existing protections for confidentiality and privacy would

apply to any information shared between an APS and CWS team. Additionally, this bill clarifies that existing confidentiality provisions for applications and records of public social services includes protective services provided through public social services agencies.

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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 5/2/22)

County Welfare Directors Association of California (co-source)
Riverside County (co-source)
California State Association of Counties
Sacramento County

OPPOSITION: (Verified 5/2/22)

None received

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**** **END** ****