

Date of Hearing: June 14, 2022

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

SB 1054 (Ochoa Bogh) – As Amended April 7, 2022

**SENATE VOTE:** 33-0

**SUBJECT:** Public social services: records: confidentiality: multidisciplinary personnel teams

**SUMMARY:** Includes adult protective services (APS) personnel among the employees authorized to disclose information for the purpose of multidisciplinary teamwork related to abuse or neglect of a child, elder, or dependent adult. Specifically, **this bill:**

- 1) Authorizes employees of a county's adult protective services agency 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 abuse or neglect of a child, elder, or dependent adult.
- 2) Adds adult protective services personnel to the definitions of "multidisciplinary personnel" and "child abuse multidisciplinary team."
- 3) Clarifies that protective services provided through public social services agencies for which grants-in-aid are received are required to be confidential and are prohibited from being 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.

**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. (Welfare and Institutions Code Section [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) 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 (Penal Code Section [PEN] 368.5(A)(i))
- 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) 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))
- 6) 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 (MDT) 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.*)
- 7) Defines "child abuse multidisciplinary personnel team" to mean a team 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. Specifies that the team may include, but shall not be limited to: 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; a public or private school teacher, administrative officer, supervisor of child welfare attendance, or certified pupil personnel employee; a representative of a local child abuse prevention council or family-strengthening organization, including, but not limited to, a family resource center; in the case of an Indian child, a representative from the child's tribe, including, but not limited to, a tribal social worker, tribal social services director, or tribal mental health professional; and specifies that if a county uses a child advocacy center to implement the coordinated multidisciplinary response, the team may include the child advocacy center. (WIC 18961.7 (b)(1))
- 8) Authorizes a county to establish a child abuse multidisciplinary personnel team within that county to allow provider agencies to share confidential information in order to investigate reports of suspected child abuse or neglect or for the purpose of child welfare agencies making a detention determination. (WIC 18961.7 (a))
- 9) Defines an APS "multidisciplinary personnel team" 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)
- 10) Defines "multidisciplinary personnel" to mean a team of three or more people who are trained in the prevention, identification, management, or treatment of child abuse or neglect cases and who are qualified to provide a broad range of services related to child abuse or neglect. Specifies that the team may include, but need not be limited to, any of the following: 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 workers with experience or training in child abuse prevention, identification, management, or treatment; a public or private school teacher, administrative officer, supervisor of child welfare and attendance, or certificated pupil personnel employee; a California Work Opportunity and Responsibility to Kids (CalWORKs) case manager whose primary responsibility is to provide cross program case planning and coordination of CalWORKs and child welfare services for those mutual cases or families that may be eligible for CalWORKs services and that, with the informed written consent of the family, receive cross program case planning and coordination; and a representative of a local child abuse prevention council or family-strengthening organization, including, but not limited to, a family resource center. (WIC 18951(d))

- 11) Prohibits a person from publishing or disclosing or permitting or causing to be published or disclosed, a list of persons receiving public social services. Authorizes any county welfare department in this state to release lists of applicants for, or recipients of, public social services, to any other county welfare department or the California Department of Social Services (CDSS), and requires these lists or any other records to be released when requested by any county welfare department or CDSS. Restricts the use of these lists or other records for purposes directly connected with the administration of public social services or to notify a public social service recipient of their potential eligibility for other benefits and services not administered by CDSS, including, but not limited to, education and access to critical public health services and poverty-alleviating benefits, as determined by CDSS. Except for those purposes, prohibits a person from publishing, disclosing, or use or permit or cause to be published, disclosed, or used any confidential information pertaining to an applicant or recipient. (WIC 18050(a))
- 12) 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))
- 13) 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))

**FISCAL EFFECT:** According to the Senate Appropriations Committee, and pursuant to Senate Rule 28.8, this bill would result in negligible state costs.

**COMMENTS:**

***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. Often, reports are made by mandated reporters who are legally required to report any suspicion of child abuse or neglect due to their profession. Teachers, doctors, social workers, mental health professionals, child care workers, and others are among those designated as mandated reporters.

When a mandated reporter submits a report to either law enforcement or the county child welfare agency, a social worker determines whether the allegation is of suspected abuse, neglect, or exploitation. Based on the information gathered in the report, CPS determines whether an in-person visit from a county social worker is appropriate. If an in-home visit is deemed necessary and substantiates the report, the social worker may then choose to remove the child from the home and, if determined to be in the child's best interest, petition the court to adjudicate the child as a dependent of the court. As of January 1, 2022, there were 55,539 youth placed in the state's child welfare services (CWS) system.

The child's social worker and the court collaborate throughout the process of evaluating and reviewing the circumstances affecting the child's safety and well-being with the ultimate goal of protecting the youth from abuse and neglect. When appropriate, the CWS system helps reunite children who have been removed from their parent or guardian's custody with an individual the youth has a family bond with.

According to data collected by the California Child Welfare Indicators Project, a partnership between the University of California at Berkeley and CDSS that provides information on California's CWS, in 2021, there were a total of 297,539 youth between the ages of 0-17 with child maltreatment investigations. A total of 56,784 of those allegations were substantiated.

***Adult Protective Services:*** APS is a state-mandated program, located in all 58 counties, that provides 24-hour response and limited intervention in the form of information and referral to other agencies, assessment, and case management services to assist adults age 60 and older and dependent adults ages 18 to 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: reside in housing other than a long-term care facility, state hospital, or state developmental center; are alleged to have been abused and/or neglected; and have been determined by APS to be in need of service. Services are available to eligible persons, regardless of income.

According to the Adult Protective Services and County Block Grant Monthly Statistical Report, 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 teams:** MDTs have been authorized in California for over thirty years to allow for a coordinated interagency response to elder and child abuse cases. MDTs, formed and operated at the county level, are afforded the ability to share confidential information among team members for the purposes of preventing, identifying, or treating child abuse. According to the United States Department of Justice (DOJ) Office of Juvenile Justice and Delinquency Prevention's guide, *"Forming a Multidisciplinary Team to Investigate Child Abuse"*, MDTs are an effective tool for conducting a timely and objective investigation while causing as little added trauma to children and families. MDTs operate, not just to investigate possible child abuse and neglect, but to facilitate coordination among the different agencies and entities participating on the team so that decisions can be made through a team decision-making process. According to DOJ, elements of a successful MDT include confidentiality policies in line with legislative mandates, agency policies and professional practices, and the best interests of the child; conflict resolution practices; and periodic self-analysis and outside evaluation to ensure the team continues to achieve its intended purpose.

The MDT response to child abuse emerged broadly in the United States during the 1980s in response to increasing numbers of child abuse reports involving allegations of suspected child sexual abuse and the need to coordinate limited community resources more efficiently. Also, as a result of several high-profile cases related to child abuse, concerns were raised related to investigative procedures that involved multiple interviews, intrusive medical procedures, separation from support systems, intimidating courtroom procedures and tactics, and lack of communication and information sharing among investigative agencies that were believed to cause additional trauma to abused children.

Because interagency cooperation and collaboration can maximize limited resources by bringing together different disciplines to deal with the complex issues associated with child abuse, MDTs began to be viewed as an efficient way to address this growing problem. In an effort to use the available resources more effectively and reduce the potential for systemic trauma to children, the federal Children's Justice and Assistance Act of 1986 was enacted and encouraged states to establish multidisciplinary task groups aimed at improving the investigation and prosecution of child abuse.

In 1999, state legislation created a statewide APS program with minimum standards, and the resulting statute mandated that county APS programs must hold MDT meetings "to develop interagency treatment strategies, to ensure maximum coordination with existing community resources, to ensure maximum access on behalf of elders and dependent adults, and to avoid duplication of efforts."

Existing law states that 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.

Counties report that MDTs are often effective in assisting with complex and challenging client cases and note that rarely can a single agency provide all the necessary services to stop the abuse and address its potentially devastating effects. Because it can be difficult for elders and dependent adults to negotiate complex service networks in order to receive the help they require, MDTs can offer broad-based solutions and access to resources that individual agencies may not be able to provide.

***Confidentiality:*** Existing law requires county welfare departments and CDSS to provide any governmental entity that is authorized by law to conduct an audit or similar activity in connection with the administration of public social services, including any committee or legislative body so authorized, with access to any public social service applications and records.

Those committees, legislative bodies, and other entities are only authorized to request or use these records for the purpose of investigating the administration of public social services, and are prohibited from disclosing the identity of any applicant or recipient except in the case of a criminal or civil proceeding conducted in connection with the administration of public social services.

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 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. Any person knowingly and intentionally violating these provisions is guilty of a misdemeanor.

Current law authorizes an MDT that is engaged in the prevention, identification, management, or treatment of child abuse or neglect, or the abuse of elder or dependent persons, as activities performed in the administration of public social services, and therefore permits for the disclosure and exchange of information or writing that is kept or maintained as confidential under state law among those team members. Current law further defines “multidisciplinary personnel team” as a team, as specified in WIC 15610.55, relative to the abuse of elder or dependent persons, or as specified in WIC 18951, relative to child abuse or neglect.

Cases being investigated by CWS and APS can overlap in a variety of ways and include instances of blended households in which minors, dependent adults and/or elderly individuals are all under one roof. In these instances, multiple agencies are required to conduct investigations but despite overlapping cases, under current law, APS MDTs would not be permitted share information with CWS MDTs.

***Need for this bill:*** The provisions of this bill seek to clarify that information-sharing between APS MDTs and CWS MDTs is permitted by allowing county APS staff and CWS staff to disclose information with each other for the purposes of multidisciplinary team work related to prevention, intervention, management, or treatment of child abuse or neglect, or the abuse or neglect of elder or dependent adults. For the purposes of elder or dependent adult abuse MDTs, current law already allows the teams to include child welfare personnel. However, existing law does not explicitly state that county APS personnel may participate in the CWS MDT.

Allowing information-sharing between APS and CWS teams would facilitate coordination of services and supports necessary to maintain vulnerable children, youth and dependent adults in their homes and communities while also maintaining existing confidentiality and privacy protections.

According to the author, “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, [This bill] 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.”

***Double referral:*** This bill will be referred to the Assembly Judiciary Committee should it pass out of this committee.

#### **PRIOR AND RELATED BILLS:**

***AB 477 (Blanca Rubio), Chapter 93, Statutes of 2021,*** clarified that, if a county uses a children’s advocacy center (CAC) 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 MTD.

***AB 2741 (Blanca Rubio), Chapter 353, Statutes of 2020,*** allowed counties to utilize CACs to implement a multidisciplinary response to investigate reports involving child physical or sexual abuse, exploitation, or maltreatment while utilizing a child-focused setting and complying with certain standards

***AB 1221 (Cooley) of 2019,*** would have allowed a county to utilize a CAC to implement a coordinated, multidisciplinary response to investigate reports involving child physical or sexual abuse, exploitation, or maltreatment, and would have required the CACs utilized by counties to comply with certain standards. AB 1221 was vetoed by Governor Newsom.

***AB 395 (Rubio) of 2019,*** would have placed several requirements on procedures and components of investigations of abuse or neglect allegations in certain community care facilities conducted by any agency with oversight authority. AB 395 was held on the Assembly Appropriations Committee suspense file.

***AB 320 (Cooley) of 2017,*** would have authorized counties to create CACs to create and facilitate multidisciplinary responses to child abuse. AB 320 set to be heard by the Assembly Human Services Committee but the hearing was cancelled at the request of the author.

***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.

***SB 1352 (Corbett) of 2012***, would have authorized each county to establish a CAC and interagency protocol agreements. SB 1352 was vetoed by Governor Brown.

***AB 2229 (Brownley), Chapter 464, Statutes of 2010***, established time-limited authority for counties to create two-person multidisciplinary teams engaged in investigating suspected child abuse or neglect.

***SB 13 (Bowen), Chapter 241, Statutes of 2005***, permitted state agencies to release personal information to the University of California or a nonprofit educational institution conducting scientific research only if the research proposal has been reviewed and approved by the Committee for the Protection of Human Subjects (the state's Institutional Review Board) for the Health and Human Services Agency. Further required the committee to apply specified standards pertaining to data protection to its review of research proposals.

***SB 2199 (Lockyer), Chapter 946, Statutes of 1998***, amended the Elder Abuse and Dependent Adult Civil Protection Act and required that county APS agencies provide a program of services to maintain the safety of elders and dependent adults in their home and community.

***AB 1049 (Bader), Chapter 353, Statutes of 1987***, authorized the use of MDTs for both child and elder abuse.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

County of Riverside (Co-Sponsor)  
County Welfare Directors Association of California (CWDA) (Co-Sponsor)  
Alameda County Board of Supervisors  
California State Association of Counties  
County of Sacramento  
County of Ventura  
Mariposa County Health & Human Services Agency

### **Opposition**

None on file

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