

Date of Hearing: June 21, 2022

ASSEMBLY COMMITTEE ON JUDICIARY  
Mark Stone, Chair  
SB 1054 (Ochoa Bogh) – As Amended April 7, 2022

PROPOSED CONSENT

**SENATE VOTE:** 33-0

**SUBJECT:** PUBLIC SOCIAL SERVICES: RECORDS: CONFIDENTIALITY:  
MULTIDISCIPLINARY PERSONNEL TEAMS

**KEY ISSUE:** SHOULD EMPLOYEES OF A COUNTY'S ADULT PROTECTIVE SERVICES AGENCY AND A COUNTY'S CHILD WELFARE AGENCY BE AUTHORIZED TO SHARE OTHERWISE CONFIDENTIAL INFORMATION WITH EACH OTHER FOR THE PURPOSE OF MULTIDISCIPLINARY TEAMWORK IN THE PREVENTION, INTERVENTION, MANAGEMENT, OR TREATMENT OF EITHER CHILD ABUSE OR NEGLECT; OR ABUSE, OR NEGLECT OF AN ELDER OR DEPENDENT ADULT?

**SYNOPSIS**

*This bill, co-sponsored by Riverside County and County Welfare Directors Association of California (CWDA), allows employees of a county's adult protective services (APS) agency and a county's child welfare services (CWS) system to share otherwise confidential information with each other on a multidisciplinary team (MDT) for the purpose of the prevention, intervention, management, or treatment of either child abuse or neglect; or the neglect or abuse of an elder or dependent adult. 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.*

*Under the bill, information could be shared for the purpose of multidisciplinary teamwork in the prevention, intervention, management, or treatment of either child abuse or neglect, or abuse or neglect of an elder or dependent adult. All of the existing protections for confidentiality and privacy that would apply to this information would also apply to any information shared between APS and CWS teams. The bill is supported by a number of counties and public agencies. It has no opposition on file. The Assembly Human Services Committee recently unanimously approved the bill.*

**SUMMARY:** Allows employees of a county's Adult Protective Services (APS) agency and a county's child welfare services (CWS) agency to share otherwise confidential information with each other for the purpose of multidisciplinary teamwork in the prevention, intervention, management, or treatment of either child abuse or neglect, or abuse or neglect of an elder or dependent adult. Specifically, **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 CWS 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.

**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 Section 10850 (a). All further statutory references are to this code, unless otherwise indicated.)
- 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. (Section 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. (Section 18961.7 (c).)
  - a) Prohibits disclosure of information be made to anyone other than members of the child abuse multidisciplinary personnel team. (*Id.*, at (c)(3).)
  - 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.*, at (f).)
- 4) 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. (Section 15610.55.)
- 5) 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. (Section 15754.)

**FISCAL EFFECT:** As currently in print this bill is keyed fiscal.

**COMMENTS:** This bill allows employees of a county's APS agency and a county's CWS system to share otherwise confidential information with each other on a multidisciplinary team (MDT) for the purpose of the prevention, intervention, management, or treatment of either child abuse or neglect; or the neglect or abuse of an elder or dependent adult. According to the author:

SB 1054 clarifies that county Adult Protective Services staff and Child Welfare Services staff can 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. The measure will allow the entities to disclose information without sharing the case file. Creating a streamlined process to share information across the two agencies will ensure a more efficient and well-informed response when operating in situations that include individuals or families that are working with both agencies in different capacities. It will also reduce duplicative responses and ensure that individuals are referred to the most impactful resources to meet their needs in a more holistic approach.

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.

***Confidentiality provisions of existing law.*** Existing law makes 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 confidential and not open for examination, except as specified. (Section 10850 (a).) While some sharing of this information is allowed, current law allows sharing "to the extent required" and only for specified reasons: "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." (Section 10850 (d).)

Existing law allows an MDT to allow provider agencies to share confidential information with the MDT, but only “to investigate reports of suspected child abuse or neglect, as specified, or for the purpose of child welfare agencies making a detention determination.” (Section 18961.7 (c).) But once an MDT has the confidential information, existing law prohibits disclosure of information be made to anyone *other than* members of the MDT. (*Id.*, at (c)(3).) The inability for members of CWS and APS to share otherwise confidential information with each other on a multidisciplinary team could mean that the team does not have a full view of family or household dynamics. If the CWS and APS systems have parallel investigations about individuals within the same household that may contain dependent adults, seniors, and youth, they should be aware of that fact so that services can be offered in a comprehensive and holistic manner.

***This bill.*** This bill allows APS teams and CWS teams to share otherwise confidential information for specified purposes. The information could be shared for the purpose of multidisciplinary teamwork in the prevention, intervention, management, or treatment of either child abuse or neglect, or abuse or neglect of an elder or dependent adult. All of the existing protections for confidentiality and privacy that would apply to this information would also apply to any information shared between APS and CWS teams. 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.

***ARGUMENTS IN SUPPORT:*** Co-sponsor County of Riverside writes the following in support of the bill:

Currently, MDTs 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. Understanding the history of services received as a minor could improve services and supports provided to the individual as an adult. . . . 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.

Co-sponsor CWDA similarly observes how the bill will enhance services to families who need them:

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.

**REGISTERED SUPPORT / OPPOSITION:****Support**

County Welfare Directors Association of California (co-sponsor)  
Riverside; County of (co-sponsor)  
Alameda County Board of Supervisors  
California State Association of Counties  
County of Ventura  
Mariposa County Health & Human Services Agency  
Sacramento; County of

**Opposition**

None on file

**Analysis Prepared by:** Alison Merrilees / JUD. / (916) 319-2334