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**WELFARE AND INSTITUTIONS CODE - WIC**

**DIVISION 9. PUBLIC SOCIAL SERVICES [10000 - 18999.98]** ( *Division 9 added by Stats. 1965, Ch. 1784.*  )

**PART 3. AID AND MEDICAL ASSISTANCE [11000 - 15771]** ( *Part 3 added by Stats. 1965, Ch. 1784.*  )

**CHAPTER 11. Elder Abuse and Dependent Adult Civil Protection Act [15600 - 15675]** ( *Heading of Chapter 11 amended by Stats. 1991, Ch. 774, Sec. 1.*  )

**ARTICLE 4. Confidentiality [15633 - 15637]** ( *Article 4 heading added by Stats. 1994, Ch. 594, Sec. 13.*  )

**15633.** (a) The reports made pursuant to Sections 15630, 15630.1, 15630.2, and 15631 shall be confidential and may be disclosed only as provided in subdivision (b). Any violation of the confidentiality required by this chapter is a misdemeanor punishable by not more than six months in the county jail, by a fine of five hundred dollars (\$500), or by both that fine and imprisonment.

(b) Reports of suspected abuse of an elder or dependent adult and information contained in the report may be disclosed only to the following:

(1) Persons or agencies to whom disclosure of information or the identity of the reporting party is permitted under Section 15633.5.

(2) (A) Persons who are trained and qualified to serve on multidisciplinary personnel teams may disclose to one another information and records that are relevant to the prevention, identification, or treatment of abuse of elderly or dependent persons.

(B) Except as provided in subparagraph (A), any personnel of the multidisciplinary team or agency who receives information pursuant to this chapter shall be under the same obligations and subject to the same confidentiality penalties as the person disclosing or providing that information. The information obtained shall be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

(3) A trusted contact person, as specified in subdivision (h) of Section 15630.2.

(c) This section does not allow disclosure of any reports or records relevant to the reports of abuse of an elder or dependent adult if the disclosure would be prohibited by any other provisions of state or federal law applicable to the reports or records relevant to the reports of the abuse, nor does it prohibit the disclosure by a financial institution, broker-dealer, or investment adviser of any reports or records relevant to the reports of abuse of an elder or dependent adult if the disclosure would be required of a financial institution, broker-dealer, or investment adviser by otherwise applicable state or federal law or court order.

(d) This section does not prohibit employees of a county's adult protective services 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 the abuse or neglect of a child or abuse or neglect of an elder or dependent adult.

(Amended by Stats. 2022, Ch. 506, Sec. 2. (SB 1054) Effective January 1, 2023.)

**15633.5.** (a) (1) Information relevant to the incident of elder or dependent adult abuse shall be given to an investigator from an adult protective services agency, a local law enforcement agency, the office of the district attorney, the office of the public guardian, the probate court, the division, the Department of Financial Protection and Innovation, or an investigator of the Department of Consumer Affairs, Division of Investigation, who is investigating a known or suspected case of elder or dependent adult abuse.

(2) (A) If the incident of elder or dependent adult financial abuse may be within the jurisdiction of a federal law enforcement agency, information relevant to the incident may be given to the federal law enforcement agency for the sole purpose of investigating a financial crime committed against the elder or dependent adult.

(B) Information relevant to the incident of elder or dependent adult abuse may be provided to a local code enforcement agency for the sole purpose of investigating an unlicensed care facility where the health and safety of an elder or dependent adult resident is at risk.

(b) The identity of a person who reports under this chapter shall be confidential and disclosed only among the following agencies or persons representing an agency:

- (1) An adult protective services agency.
- (2) A long-term care ombudsperson program.
- (3) A licensing agency.
- (4) A local law enforcement agency.
- (5) The office of the district attorney.
- (6) The office of the public guardian.
- (7) The probate court.
- (8) The division.
- (9) The Department of Financial Protection and Innovation.
- (10) The Department of Consumer Affairs, Division of Investigation.
- (11) Counsel representing an adult protective services agency.

(c) The identity of a person who reports pursuant to this chapter may also be disclosed under the following circumstances:

- (1) To the district attorney in a criminal prosecution.
- (2) When a person reporting waives confidentiality.
- (3) By court order.

(d) Notwithstanding subdivisions (a) to (c), inclusive, a person reporting pursuant to Section 15631 shall not be required to include their name in the report.

*(Amended by Stats. 2021, Ch. 621, Sec. 1.5. (AB 636) Effective January 1, 2022.)*

**15634.** (a) No care custodian, clergy member, health practitioner, mandated reporter of suspected financial abuse of an elder or dependent adult, or employee of an adult protective services agency or a local law enforcement agency who reports a known or suspected instance of abuse of an elder or dependent adult shall be civilly or criminally liable for any report required or authorized by this article. Any other person reporting a known or suspected instance of abuse of an elder or dependent adult shall not incur civil or criminal liability as a result of any report authorized by this article, unless it can be proven that a false report was made and the person knew that the report was false. No person required to make a report pursuant to this article, or any person taking photographs at his or her discretion, shall incur any civil or criminal liability for taking photographs of a suspected victim of abuse of an elder or dependent adult or causing photographs to be taken of such a suspected victim or for disseminating the photographs with the reports required by this article. However, this section shall not be construed to grant immunity from this liability with respect to any other use of the photographs.

(b) No care custodian, clergy member, health practitioner, mandated reporter of suspected financial abuse of an elder or dependent adult, or employee of an adult protective services agency or a local law enforcement agency who, pursuant to a request from an adult protective services agency or a local law enforcement agency investigating a report of known or suspected abuse of an elder or dependent adult, provides the requesting agency with access to the victim of a known or suspected instance of abuse of an elder or dependent adult, shall incur civil or criminal liability as a result of providing that access.

(c) The Legislature finds that, even though it has provided immunity from liability to persons required to report abuse of an elder or dependent adult, immunity does not eliminate the possibility that actions may be brought against those persons based upon required reports of abuse. In order to further limit the financial hardship that those persons may incur as a result of fulfilling their legal responsibilities, it is necessary that they not be unfairly burdened by legal fees incurred in defending those actions. Therefore, a care custodian, clergy member, health practitioner, or an employee of an adult protective services agency or a local law enforcement agency may present to the Department of General Services a claim for reasonable attorneys' fees incurred in any action against that person on the basis of making a report required or authorized by this article if the court has dismissed the action upon a demurrer or motion for summary judgment made by that person, or if he or she prevails in the action. The Department of General Services shall allow that claim if the requirements of this subdivision are met, and the claim shall be paid from an appropriation to be made for that purpose. Attorneys' fees awarded pursuant to this section shall not exceed an hourly rate greater than the rate charged by the Attorney General at the time the award is made and shall not exceed an aggregate amount of fifty thousand dollars (\$50,000). This

subdivision shall not apply if a public entity has provided for the defense of the action pursuant to Section 995 of the Government Code.

*(Amended by Stats. 2016, Ch. 31, Sec. 285. (SB 836) Effective June 27, 2016.)*

**15636.** (a) Any victim of elder or dependent adult abuse may refuse or withdraw consent at any time to an investigation or the provision of protective services by an adult protective services agency or long-term care ombudsman program. The adult protective services agency shall act only with the consent of the victim unless a violation of the Penal Code has been alleged. A local long-term care ombudsman shall act only with the consent of the victim and shall disclose confidential information only after consent to disclose is given by the victim or pursuant to court order.

(b) If the elder or dependent adult abuse victim is so incapacitated that he or she cannot legally give or deny consent to protective services, a petition for temporary conservatorship or guardianship may be initiated in accordance with Section 2250 of the Probate Code.

*(Added by Stats. 1994, Ch. 594, Sec. 18. Effective January 1, 1995.)*

**15637.** In any court proceeding or administrative hearing, neither the physician-patient privilege nor the psychotherapist-patient privilege applies to the specific information required to be reported pursuant to this chapter. Nothing in this chapter shall be interpreted as requiring an attorney to violate his or her oath and duties pursuant to Section 6067 or subdivision (e) of Section 6068 of the Business and Professions Code, and Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

*(Added by Stats. 1985, Ch. 1164, Sec. 13. Effective September 28, 1985.)*