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AB-477 Child abuse multidisciplinary personnel team: children's advocacy centers. (2021-2022)

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Assembly Bill No. 477

CHAPTER 93

An act to amend Section 18961.7 of the Welfare and Institutions Code, relating to child abuse.

[Approved by Governor July 16, 2021. Filed with Secretary of State July 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 477, Blanca Rubio. Child abuse multidisciplinary personnel team: children's advocacy centers.

Existing law authorizes a county to establish a child abuse multidisciplinary personnel team, consisting of specified individuals, within that county to allow provider agencies to share confidential information in order for provider agencies to investigate reports of suspected child abuse or neglect. Existing law authorizes a county to use a child advocacy center to implement that multidisciplinary response.

This bill would clarify that, if a county uses a child advocacy center to implement that multidisciplinary response, the team may include the child advocacy center. For an Indian child, the bill also would add a representative from the child's tribe to the list of specified individuals that may be included on the multidisciplinary personnel team.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 18961.7 of the Welfare and Institutions Code is amended to read:

18961.7. (a) Notwithstanding any other law, a county may establish a child abuse multidisciplinary personnel team within that county to allow provider agencies to share confidential information in order for provider agencies to investigate reports of suspected child abuse or neglect made pursuant to Section 11160, 11166, or 11166.05 of the Penal Code, or for the purpose of child welfare agencies making a detention determination.

(b) For the purposes of this section, the following terms shall have the following meanings:

(1) (A) "Child abuse multidisciplinary personnel team" means 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.

(B) The team may include, but shall not be limited to:

(i) Psychiatrists, psychologists, marriage and family therapists, clinical social workers, professional clinical counselors, or other trained counseling personnel.

(ii) Police officers or other law enforcement agents.

(iii) Medical personnel with sufficient training to provide health services.

(iv) Social services workers with experience or training in child abuse prevention.

(v) A public or private school teacher, administrative officer, supervisor of child welfare attendance, or certified pupil personnel employee.

(vi) A representative of a local child abuse prevention council or family-strengthening organization, including, but not limited to, a family resource center.

(vii) 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.

(C) If a county uses a child advocacy center to implement the coordinated multidisciplinary response authorized by this section, the team may include the child advocacy center.

(2) "Provider agency" means a governmental or other agency that has as one of its purposes the prevention, identification, management, or treatment of child abuse or neglect. The provider agencies serving children and their families that may share information under this section shall include, but not be limited to, the following entities or service agencies:

(A) Social services.

(B) Children's services.

(C) Health services.

(D) Mental health services.

(E) Probation.

(F) Law enforcement.

(G) Schools.

(c) (1) Notwithstanding Section 827 or any other law, during a 30-day period, or longer if documented good cause exists, following a report of suspected child abuse or neglect, members of a child abuse multidisciplinary personnel team engaged in the prevention, identification, and treatment of child abuse may disclose to and exchange with one another information and writings that relate to any incident of child abuse that may also be designated as confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the prevention, identification, or treatment of child abuse. A discussion relative to the disclosure or exchange of the information or writings during a team meeting is confidential and, notwithstanding any other law, testimony concerning that discussion is not admissible in any criminal, civil, or juvenile court proceeding.

(2) Disclosure and exchange of information pursuant to this section may occur telephonically and electronically if there is adequate verification of the identity of the child abuse multidisciplinary personnel who are involved in that disclosure or exchange of information.

(3) Disclosure and exchange of information pursuant to this section shall not be made to anyone other than members of the child abuse multidisciplinary personnel team, and those qualified to receive information as set forth in subdivision (d).

(d) The child abuse multidisciplinary personnel team may designate persons qualified pursuant to subparagraph (B) of paragraph (1) of subdivision (b) to be a member of the team for a particular case. A person designated as a team member pursuant to this subdivision may receive and disclose relevant information and records, subject to the confidentiality provisions of subdivision (f).

(e) The sharing of information permitted under subdivision (c) shall be governed by protocols developed in each county describing how and what information may be shared by the child abuse multidisciplinary personnel team to ensure that confidential information gathered by the team is not disclosed in violation of state or federal law. A copy of the protocols shall be distributed to each participating agency and to persons in those agencies who participate in the child abuse multidisciplinary personnel team.

(f) Every member of the child abuse multidisciplinary personnel team who receives information or records regarding children and families in the member's capacity as a member of the team shall be under the same privacy and confidentiality obligations and subject to the same confidentiality penalties as the person disclosing or providing the information or records. The information or records obtained shall be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

(g) This section shall not be construed to restrict guarantees of confidentiality provided under state or federal law.

(h) Information and records communicated or provided to the team members by all providers and agencies, as well as information and records created in the course of a child abuse or neglect investigation, shall be deemed private and confidential and shall be protected from discovery and disclosure by all applicable statutory and common law protections. Existing civil and criminal penalties shall apply to the inappropriate disclosure of information held by the team members.