

Appendix C

ADDITIONAL INFORMATION ABOUT MULTIDISCIPLINARY TEAMS

Many counties have established multidisciplinary teams or have ongoing meetings that are multidisciplinary in scope, such as citizen review panels, team decision meetings, and permanency team meetings. There are ongoing questions about how much information a child welfare agency can provide to these groups without a court order. Several California statutes authorize a child welfare agency to disclose information to team members in specific multidisciplinary contexts. To the extent that a county team or meeting panel satisfies the pertinent statutory definition of a multidisciplinary team, child welfare agencies may provide information to team members as prescribed under the applicable statute. This appendix gives four examples of multidisciplinary teams permitted to receive confidential information from child welfare agencies and the statutes that authorize the disclosure (all section numbers refer to the Welfare and Institutions Code unless stated otherwise).

1. Children's Multidisciplinary Teams

- Section 827(a)(1)(K) authorizes “members of children’s multidisciplinary teams, persons, or agencies providing treatment or supervision of the minor” to **inspect, but not receive copies of**, information in a child welfare file. (Welf. & Inst. Code, § 827(a)(1)(K) & (5).)
- If parts of the child welfare file are protected by other confidentiality and privilege laws, the child welfare agency may allow inspection of those parts, absent a court order, if the team or team member is “entitled to access [the information] under the other state law or federal law or regulation without a court order...” (Welf. & Inst. Code, § 827(a)(3)(A); see Cal. Rules Court 5.552(h).)
- Section 827 does not define “multidisciplinary team” for this purpose, nor does it prescribe any requirements for member qualifications, how many individuals or agencies constitute a team, or how to establish a team.

2. Welfare and Institutions Code Section 830 and “18951” Multidisciplinary Personnel Teams (18951 MDTs)

- Section 830 authorizes a child welfare agency and its employees to disclose and exchange information and writings from the child welfare agency’s file with members of an *18951 multidisciplinary personnel team* (or *18951 MDT*, for short) engaged in the prevention, identification, management or treatment of child abuse or neglect, as long as the child welfare agency reasonably believes the information is generally relevant to the prevention, identification, management, or treatment of child abuse, or to the provision of child welfare services. (Welf. & Inst. Code, § 830(a); *see also* Welf. & Inst. Code, § 18951.) An *18951 MDT* is named for the state code section that established it. (Welf. & Inst. Code, § 18951.)
- An *18951 MDT* is “any team of **three or more persons** 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.” This may include certain mental health, medical, and education professionals, social workers with training in child abuse prevention, identification management or treatment, and law enforcement agents, as well as teachers and CalWORKS case managers whose responsibility is cross program case management, among others. (Welf. & Inst. Code, § 18951(d), emphasis added.)

- The 18951 MDT may deem individuals to be part of the team for a particular case “as necessary for the purpose of the prevention, identification, management or treatment of an abused child and his or her parents” as long as that individual is a person who is trained and qualified to serve on a 18951 MDT. The team must specify in writing its reasons for deeming that person to be part of the team. Once made part of the team, the person may receive information relevant to a particular case as though he or she were a member of the team. (Welf. & Inst. Code, § 18954(a).)
- Members of the 18951 MDT may share information “designated as *confidential* under state law” with other members of the team. (Welf. & Inst. Code, § 830, emphasis added.)
- Exceptions in some state confidentiality laws also allow for disclosure of information to an 18951 MDT. For example, Welfare and Institutions Code section 10850 protects the confidentiality of some information in the child welfare file but allows a child welfare agency to disclose and exchange this information with members of an 18951 MDT engaged in the prevention, identification, management, or treatment of child abuse or neglect, because the team activities are “activities performed in the administration of public social services.” (Welf. & Inst. Code, § 10850.1.) Similarly, LPS allows protected mental health information and records to be disclosed between persons who are trained and qualified to serve on 18951 MDTs. However, there are restrictions on further dissemination of information subject to LPS. (Welf. & Inst. Code, § 5328(l); *see also* Welf. & Inst. Code, § 18964.)
- Although federal HIPAA, CAAPTR, and FERPA regulations do not directly authorize disclosures to multidisciplinary teams, such information may be shared where the disclosure complies with the applicable statute. (See Welf. & Inst. Code, § 827(a)(3).) For example, CAAPTR allows disclosure of protected information related to substance abuse treatment on showing of a signed authorization. A child welfare agency may disclose CAAPTR-protected substance abuse treatment information to members of a multidisciplinary personnel team if the agency has an authorization allowing that disclosure.
- “All discussions relative to the disclosure or exchange of any such information or writings during team meetings are confidential unless disclosure is required by law.” (Welf. & Inst. Code, §§ 830(a), 10850.1(a).)
- “Notwithstanding any other provision of law, testimony concerning any such discussion is not admissible in any criminal, civil, or juvenile court proceeding.” (Welf. & Inst. Code, §§ 830(a).)
- “*Child welfare services*,” “*multidisciplinary personnel team*” and “*child abuse*” are specifically defined for these purposes by statute. (Welf. & Inst. Code, §§ 830(b), 10850.1(b), 18951.) Also note that an *18951 multidisciplinary personnel team* is different from an *18961.7 multidisciplinary team*, as explained in the next section.

- Neither section 18951 nor section 830 of the Welfare and Institutions code prescribe how an 18951 MDT shall be created.

3. Welfare and Institutions Code Section 18961.7 Multidisciplinary Teams (18961.7 MDTs)

- An 18961.7 MDT, named for the guiding code section, serves a specific purpose. As described in the statute, “[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.” (Welf. & Inst. Code, § 18961.7(a).)
- In order to establish an 18961.7 MDT, the county must develop certain governing protocols: “The sharing of information permitted under [section 18961.7(c)] shall be governed by protocols developed in each county describing how and what information may be shared by the child abuse multidisciplinary 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 team.” (Welf. & Inst. Code, § 18961.7(e).)
- Once protocols are developed, 18961.7 MDTs may be created. An 18961.7 MDT is “any 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.” This may include certain mental health and medical professionals, specified education professionals, teachers, child welfare workers and law enforcement, among others, as well as certain designates for particular cases. (Welf. & Inst. Code, § 18961.7(b)(1), emphasis added.)
- The statute authorizes members of the MDT to disclose and exchange “information and writings that relate to any incident of child abuse ... 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” (Welf. & Inst. Code, § 18961.7(c)(1)) with the following restrictions:
 - Information can be exchanged with and within an 18961.7 MDT only during the 30-day period following a report of suspected child abuse or neglect, or longer if documented good cause exists. (Welf. & Inst. Code, § 18961.7(c)(1).)
 - Information can be disclosed and exchanged between members of the 18961.7 MDT *only* if the team member in possession of such information or writing reasonably believes it to be generally relevant to the prevention, identification, or treatment of child abuse. (Welf. & Inst. Code, § 18961.7(c)(1).)
 - The statute “shall not be construed to restrict guarantees of confidentiality provided under state or federal law.” (Welf. & Inst. Code, § 18961.7(g).)

- A number of protections restrict 18961.7 MDT members from further disclosing information and obligate the team to safeguard the information shared and created by the team. (Welf. & Inst. Code, § 18961.7(f)–(h).)
- The team must operate pursuant to the protocols developed. (Welf. & Inst. Code, § 18961.7(e).)
- It is unclear whether a child welfare agency may share information protected by other state confidentiality laws with an 18961.7 MDT absent a specific exception in the pertinent law. Section 18961.7(c)(1) says “[n]otwithstanding ... any other provision of law, ... members of a child abuse multidisciplinary personnel team ... 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” However, section 18961.7(g) says, “[t]his section shall not be construed to restrict guarantees of confidentiality provided under state or federal law.” Further guidance would be helpful.
- Although federal HIPAA, CAAPTR, and FERPA regulations do not directly authorize disclosures to multidisciplinary teams, such information sharing may occur when a disclosure complies with the applicable statute. (See Welf. & Inst. Code, § 827(a)(3)). For example, CAAPTR allows disclosure of protected substance abuse treatment information with a signed authorization. A child welfare agency may disclose substance abuse treatment information protected by CAAPTR to members of a multidisciplinary personnel team if the agency has an authorization allowing that disclosure.
- The information and records communicated or provided to team members, as well as information and records created, “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.” (Welf. & Inst. Code, § 18961.7(h).)

4. “Child and Family Teams” and Welfare and Institutions Code Section 832

- Section 16501 of the Welfare and Institutions Code encourages the use of “child and family teams” as part of child welfare service provision and defines “child and family team” for this purpose. (See Welf. & Inst. Code, § 16501.)
- Section 832 of the Welfare and Institutions Code addresses sharing of information and records among members of a 16501 “child and family team.”
- Section 832 requires the child and family team to obtain the appropriate authorizations to release information to team members and states that once such authorizations are in place, “relevant information and records may be shared with members of the team.” (See Welf. & Inst. Code, § 832(b, c).)
- “Information and records communicated or provided to the team, by all providers, programs, and agencies, as well as information and records created by the team in the course of serving its

children, youth, and their families, shall be deemed private and confidential and shall be protected from discovery and disclosure by all applicable statutory and common law. Nothing in this section shall be construed to affect the authority of a health care provider to disclose medical information pursuant to paragraph (1) of subdivision (c) of [Section 56.10 of the Civil Code](#).” (Welf. & Inst. Code, § 832(d).)

- “If the child welfare agency files or records, or any portions thereof, are privileged or confidential, pursuant to any other state law, except Section 827, or federal law or regulation, the requirements of that state law or federal law or regulation prohibiting or limiting release of the child welfare agency files or records, or any portions thereof, shall prevail.” (Welf. & Inst. Code, § 832(e).)
- “All discussions during team meetings are confidential unless disclosure is required by law. Notwithstanding any other law, testimony concerning any team meeting discussion is not admissible in any criminal or civil proceeding” except nonprivileged information may be shared with the juvenile court with jurisdiction over the child or as otherwise required by law. (Welf. & Inst. Code, § 832(a, f).)
- “Disclosure of otherwise privileged information to team members shall not be construed to waive the privilege.” (Welf. & Inst. Code, § 832(g).)