

ASSEMBLY BILL**No. 210**

Introduced by Assembly Member SantiagoJanuary 23, 2017

An act to add Chapter 18 (commencing with Section 18999.8) to Part 6 of Division 9 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 210, as introduced, Santiago. Homeless multidisciplinary personnel team.

Existing law authorizes counties to establish a child abuse multidisciplinary personnel team, as defined, 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 detention determinations, as specified.

This bill would authorize counties to also establish a homeless adult, child, and family multidisciplinary personnel team, as defined, with the goal of facilitating the expedited identification, assessment, and linkage of homeless individuals to housing and supportive services within that county to allow provider agencies to share confidential information, as specified, for the purpose of coordinating housing and supportive services to ensure continuity of care. The bill would authorize the homeless adult, child, and family multidisciplinary personnel team to designate qualified persons to be a member of the team and would require every member who receives information or records regarding children and families in his or her capacity as a member of the team to 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 bill would also require the information or records to be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 18 (commencing with Section 18999.8)
2 is added to Part 6 of Division 9 of the Welfare and Institutions
3 Code, to read:

4
5 CHAPTER 18. HOMELESS MULTIDISCIPLINARY PERSONNEL TEAM
6

7 18999.8. (a) Notwithstanding any other law, a county may
8 establish a homeless adult, child, and family multidisciplinary
9 personnel team with the goal of facilitating the expedited
10 identification, assessment, and linkage of homeless individuals to
11 housing and supportive services within that county to allow
12 provider agencies to share confidential information for the purpose
13 of coordinating housing and supportive services to ensure
14 continuity of care.

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

17 (1) "Homeless" means any recorded instance of an adult, child,
18 or family self-identifying as homeless within the most recent 12
19 months, or any element contained in service utilization records
20 indicating that an adult, child, or family experienced homelessness
21 within the most recent 12 months.

22 (2) "Homeless adult, child, and family multidisciplinary
23 personnel team" means any team of two or more persons who are
24 trained in the identification and treatment of homeless adults,
25 children, and families, and who are qualified to provide a broad
26 range of services related to homelessness. The team may include,
27 but shall not be limited to:

28 (A) Mental health and substance abuse services personnel and
29 practitioners, child protective services personnel and social
30 workers, or other trained counseling personnel.

31 (B) Police officers, probation officers, or other law enforcement
32 agents.

- 1 (C) Legal counsel for the adult, child, or family representing
2 them in a criminal matter.
- 3 (D) Medical personnel with sufficient training to provide health
4 services.
- 5 (E) Social services workers with experience or training in the
6 provision of services to homeless adults, children, or families or
7 funding and eligibility for services.
- 8 (F) Veterans services providers and counselors.
- 9 (G) Domestic violence services providers and counselors.
- 10 (H) Any public or private school teacher, administrative officer,
11 or certified pupil personnel employee.
- 12 (I) Housing or homeless services provider agencies and
13 designated personnel.
- 14 (3) “Homeless services provider agency” means any
15 governmental or other agency that has as one of its purposes the
16 identification, assessment, and linkage of housing or supportive
17 services to homeless adults, children, and families. The homeless
18 services provider agencies serving adults, children, and families
19 that may share information under this section include, but are not
20 limited to, the following entities or service agencies:
- 21 (A) Social services.
- 22 (B) Child welfare services.
- 23 (C) Health services.
- 24 (D) Mental health services.
- 25 (E) Substance abuse services.
- 26 (F) Probation.
- 27 (G) Law enforcement.
- 28 (H) Legal counsel for the adult, child, or family representing
29 them in a criminal matter.
- 30 (I) Veterans services and counseling.
- 31 (J) Domestic violence services and counseling.
- 32 (K) Schools.
- 33 (L) Homeless services.
- 34 (M) Housing.
- 35 (c) (1) Members of a homeless adult, child, and family
36 multidisciplinary personnel team engaged in the identification,
37 assessment, and linkage of housing and supportive services to
38 homeless adults, families, or children may disclose to and exchange
39 with one another information and writings that relate to any
40 information that may be designated as confidential under state law

1 if the member of the team having that information or writing
2 reasonably believes it is generally relevant to the identification,
3 reduction, or elimination of homelessness or the provision of
4 services. Any discussion relative to the disclosure or exchange of
5 the information or writings during a team meeting is confidential
6 and, notwithstanding any other law, testimony concerning that
7 discussion is not admissible in any criminal, civil, or juvenile court
8 proceeding.

9 (2) Disclosure and exchange of information pursuant to this
10 section may occur telephonically and electronically if there is
11 adequate verification of the identity of the homeless adult, child,
12 and family multidisciplinary personnel who are involved in that
13 disclosure or exchange of information.

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

19 (d) The homeless adult, child, and family multidisciplinary
20 personnel team may designate persons qualified pursuant to
21 paragraph (2) of subdivision (b) to be a member of the team. A
22 person designated as a team member pursuant to this subdivision
23 may receive and disclose relevant information and records, subject
24 to the confidentiality provisions of subdivision (f).

25 (e) The sharing of information permitted under subdivision (c)
26 shall be governed by protocols developed in each county describing
27 how and what information may be shared by the homeless adult,
28 child, and family multidisciplinary personnel team to ensure that
29 confidential information gathered by the team is not disclosed in
30 violation of state or federal law. A copy of the protocols shall be
31 distributed to each participating agency and to persons in those
32 agencies who participate in the homeless adult, child, and family
33 multidisciplinary personnel team.

34 (f) Every member of the homeless adult, child, and family
35 multidisciplinary personnel team who receives information or
36 records regarding children and families in his or her capacity as a
37 member of the team shall be under the same privacy and
38 confidentiality obligations and subject to the same confidentiality
39 penalties as the person disclosing or providing the information or
40 records. The information or records obtained shall be maintained

1 in a manner that ensures the maximum protection of privacy and
2 confidentiality rights.

3 (g) Notwithstanding Section 827 or any other law, members of
4 a homeless adult, child, and family multidisciplinary personnel
5 team engaged in the identification, assessment, and linkage of
6 housing and supportive services to homeless adults, families, and
7 children may disclose to and exchange with one another
8 information and writings that relate to any incident of child abuse
9 or neglect that may also be designated as confidential under state
10 law if the team member having that information or writing
11 reasonably believes it is generally relevant to the provision of
12 services.

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

15 (i) Information and records communicated or provided to the
16 team members by all providers and agencies shall be deemed
17 private and confidential and shall be protected from discovery and
18 disclosure by all applicable statutory and common law protections.
19 Existing civil and criminal penalties shall apply to the inappropriate
20 disclosure of information held by the team members.