

**Confidentiality and Information Sharing
Children’s Multi-Disciplinary Services Team
California State Welfare and Institutions Code Sections 18986.40 – 18986.46**

18986.40. (a) for the purposes of this chapter, “integrated children’s services programs” means programs established by county governments, local education agencies, or consortia of public and private agencies, to jointly provide two or more of the following services to children or their families, or both:

- (1) Educational services for children at risk of dropping out, or who need additional educational health services to be successful academically.
- (2) Health care.
- (3) Mental health services.
- (4) Substance abuse prevention and treatment.
- (5) Child abuse prevention, identification, and treatment.
- (6) Nutrition services.
- (7) Child care and development services.
- (8) Juvenile justice services.
- (9) Child welfare services.
- (10) Early intervention and prevention services.
- (11) Crisis intervention services, as defined in subdivision (c).
- (12) Any other service which will enhance the health, development, and well-being of children and their families.

(b) For the purposes of this chapter, “children’s multidisciplinary services team” means a team of two or more persons trained and qualified to provide one or more of the services listed in subdivision (a), who are assigned the responsibility for identifying the educational, health, or social service needs of a child and his or her family, and for developing a plan to address those needs.

(c) “Crisis intervention services” means early support and psychological assistance, to be continued as necessary, to children who have been victims of, or whose lives have been affected by, a violent crime or a cataclysmic incident, such as a natural disaster, or who have been involved in school, neighborhood, or family based critical incidents likely to cause profound psychological effects if not addressed immediately and thoroughly.

18986.46. (a) Notwithstanding any provision of state law governing the disclosure of information and records, persons who are trained, qualified, and assigned by their respective agencies to serve on children’s multidisciplinary services teams within integrated children’s services programs may disclose to one another information and view records on a child or the child’s family. Information disclosed or records viewed by members of the team shall be limited to relevant information or records necessary to formulate an integrated services plan or to deliver services to children and their families.

(b) If the members of a multidisciplinary services team within an integrated children’s services program require records held by other team members, copies may be provided subject to the limitations in subdivision (c). Requests for copies shall be limited to the records necessary to formulate an integrated services plan, or to deliver services to children and their families.

(c) (1) Members of a multidisciplinary services team within an integrated children’s services program who receive information or records on children and their families shall be allowed to establish and maintain a common data base for the purpose of planning and delivering services. The data base may contain demographic data and data on the level of individual involvement for the children. A memorandum of understanding shall be established that specifies what types of information may be shared and for what purposes.

(2) The release of copies of mental health records, physical health records, and drug or alcohol records may take place only after the team has received a form permitting release of records on the child or the child’s family, signed by the child, to the extent the records were generated as a result of health care services to which the child has the power to consent under state law, or, to the extent that the records have not been generated by the provision of these health care services, by the child’s parent, guardian, or legal representative, including the court which has jurisdiction over those children who are wards or dependents of the court.

APPENDIX H

(d) The multidisciplinary team may designate persons qualified pursuant to Section 18986.40 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 (b) shall be governed by memoranda of understanding between the agencies represented on the multidisciplinary team. These memoranda shall specify the types of information that may be shared without a signed release form, in accordance with subdivision (c), and the process to be used to ensure that current confidentiality requirements, as described in subdivision (f) are met.

(f) Every member of the children's multidisciplinary services team who receives information or records on children and families served in the integrated children's services program 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 federal law.

(h) 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.