



TO: The Honorable Members of the Assembly Committee on Mental Health

FROM: Linda A. Hall, Executive Director

DATE: January 17, 2018

RE: **Support for Assembly Bill 782** – Limited release of Mental Health Information

Thank you for the opportunity to provide testimony in support of Assembly Bill 782 to permit limited release of mental health information to out-of-home care providers and child welfare agencies.

WAFCA is a statewide association that represents over fifty child and family serving agencies and leaders in the field and advocates for the more than 250,000 individuals and families that they serve each year. Our members' services include family, group and individual counseling; substance use treatment; crisis intervention; outpatient mental health therapy; and foster care programs, among others.

Assembly Bill 782 would allow foster care agencies, group homes and residential treatment centers to receive targeted mental health information regarding children in their care. Under current law a mental health treatment record is confidential and caregivers can only receive information if the child's parents or guardians have consented to the release of information.

Although standard practice is for providers to work with parents, engage them in the treatment process and gain their consent to the release of information, this type of collaborative process with parents is not always possible particularly at the beginning of a foster care stay when the sharing of information with caregivers is especially crucial.

Foster care agencies are required to provide foster parents essential information about the health and mental health of children they are being asked to welcome into their home. The first few hours or days that a child is in care are critical. They have typically just been taken away from their parents and are experiencing a considerable degree of trauma. Caregivers are expected to help calm them, observe them and be prepared to share information on the child with the foster care agency, physicians and therapists who are also working with the children to address their physical and mental health needs.

When releases of information get in the way of foster parents accessing children's medications or key information about their past traumas, children are not well-served and foster parents are needlessly stressed.

Although most parents are engaged, some parents are not due to impairments by substance use, mental health conditions or incarceration. The statutory language changes in AB 782 would allow providers to access limited information until parents are ready to be engaged in their children's mental health care.

The bill language offers the mental health provider flexibility in distinguishing what portion of a child's treatment record should be shared. Some concerns have been raised that providers may share too much information. However, it should be noted that when deciding which information is necessary for the proper care of a child's mental health, professionals will be guided by the practice and ethical standards of their discipline.

Furthermore, residential treatment centers and foster care agencies which, for the most part, would be receiving this information will continue to be responsible to statutory requirements requiring that they make reasonable efforts to work with parents on the care for their children.

This legislation provides important flexibility to access information necessary to help children experiencing trauma and begin the medical and mental health treatment that can start them on a path to healing.

Thank you for your time and consideration. We look forward to working with the Committee to advance this legislation.