



Frequently Asked Questions:

The Effects of Domestic Violence Multidisciplinary Teams on Client Confidentiality and Mandated Reporter Requirements

What is a Domestic Violence Multidisciplinary Team¹?

A domestic violence multidisciplinary team is a group of people trained to provide services related to domestic violence. Possible team members may include law enforcement, medical service providers, therapists, psychologists, district and city attorneys, victim witness personnel, sexual assault and domestic violence counselors, social service agency members, child welfare agency social workers, county health department staff, city or county welfare and public assistance workers, nonprofit agency counseling professionals, civil legal service providers or human trafficking caseworkers.²

If I Am a Member of a Domestic Violence Multidisciplinary Team, Can I Share Confidential Client Information with other Team Members?

You can share what your client wants you to share. Your legal duty to protect confidentiality does not change when you are a member of a DV Multidisciplinary Team. If a client instructs you to share by completing an informed, written, and time-limited consent form, you may share the information to stop or help “treat” domestic violence.³

If There is a Mandated Reporter on the Multidisciplinary Team, What Does that Mean?

It means that if the mandated reporter reasonably believes child abuse is occurring, the mandated reporter must report your client’s confidential information that is related to the suspected child abuse.⁴ So, when you discuss with your client whether to disclose their confidential information to a multidisciplinary team that includes any mandated reporters, you must explain to your client that the mandated reporters on the team may be required to report their confidential information for the purposes of making a mandated report.⁵

Will Confidential information I Share with the Multidisciplinary Team Still Be Confidential?

Yes, the information will remain confidential unless the law requires that the information is disclosed.⁶ For example, if there is a mandated reporter on the multidisciplinary team and the

¹ There are other kinds of multidisciplinary teams, but this FAQ sheet only covers Domestic Violence MDTs

² Pen. Code, §§ 13752 subds. (a)-(b) & 13753 subds. (a)-(b).

³ Pen. Code, §§ 11165.9, 13752 subds. (e) & 13753 subds. (e).

⁴ Pen. Code, §§ 11166.

⁵ Pen. Code, §§ 13752 subds. (e)(3) & 13753 subds. (e)(3).

⁶ Pen. Code, §§ 13752 subds. (e) & 13753 subds. (e).

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mandated reporter knows or reasonably suspects child abuse is occurring, the mandated reporter may have to report the client's confidential information.⁷

If I Share Confidential Information with My Multidisciplinary Team, Will That Information Be Available in Court?

It depends. Generally, information shared between multidisciplinary team members is not allowed to be used in court.⁸ However, sometimes the law requires that the confidential information be made available for court. For example, confidential information may have to be available in court if a member of the multidisciplinary team works for the District Attorney's office and the information could be useful in a criminal trial to show the defendant's innocence.⁹

If I Share Information with the Multidisciplinary Team, Can I Still Assert My Client's Privilege if I Am Called to Testify in Court?

Yes, as long as the client's confidential information is shared to team members with the correct informed, written, and time limited consent, the Domestic Violence Counselor-Client privilege continues when you share confidential information with other multidisciplinary team members.¹⁰

How do I get more assistance? Contact FVAP at info@fvaplaw.org or (510) 858-7358 for questions.

⁷ Pen. Code, §§ 11166, 13752 subds. (e) & 13753 subds. (e).

⁸ Pen. Code, §§ 13752 subds. (e)(3) & 13753 subds. (e)(3).

⁹ Sen. Judiciary Com., Assem. Bill No. 998 (2017-2018 Reg. Sess.) July 3, 2018, pg. 9.

¹⁰ Pen. Code, §§ 13752 subds. (e)(3) & 13753 subds. (e)(3).

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