

<b>Category:</b>  <b>Behavioral Health</b>	<b>Subject:</b> Healthcare Providers & Domestic Violence Protective Orders  Pertaining to a child, AKA: Calley's Law  <b>Scope:</b> SLO Behavioral Health Department  <b>Effective Date:</b> January 1,2023
--	---

Existing law authorizes a court to issue an order enjoining a party from engaging in specified acts against another party, including threatening or harassing that party, and, in the discretion of the court, against other named family or household members. An intentional or knowing violation of this order is punishable as a misdemeanor.

Commencing January 1, 2023, Calley's Law (Senate Bill 24) authorizes a court to include in an ex parte order a provision restraining a party from accessing records and information pertaining to the health care, education, daycare, recreational activities, or employment of a minor child of the parties.

**Cited section:** Section 6323.5 is added to the Family Code relating to domestic violence. Senate Bill 24.

**Procedure:**

**Protective Order Received**

When a parent or guardian provides Behavioral Health with an ex parte order restraining a party from accessing records or information, or a copy of an order with a provision specified to an essential care provider or discretionary organization or both, the following will occur:

1. Order will be received by Behavioral Health (BH) and given to the BH Health Information Supervisor or site BH Health Information staff.
  - a. Order will be reviewed and sent to San Luis Obispo County Counsel for review and guidance.
2. The party that submits the copy of the order shall be provided with a receipt indicating date and time of submission and the name of the person to whom the copy was submitted. A copy of this receipt will be scanned into the electronic health record.
3. Once validated, order will be scanned into the electronic health record, and a Safety Risk Flag will be entered by BH Health Information Supervisor or site Health Information Technician (HIT). This alert documentation should be specific to what the order is indicating.
4. BH Health Information Supervisor or site HIT will:
  - a. Email all treatment members on the case, including contractor staff, site supervisor, site clerical staff, billing & fiscal and division manager to inform them of the order and individual who may not access any of the client's health care information.
    - i. An Email group for billing & fiscal was created [SB24-BH-Notification@co.slo.ca.us](mailto:SB24-BH-Notification@co.slo.ca.us)
    - ii. All other staff to be notified must be keyed and are not part of the above email group.
  - b. HIT will log all protective orders using a Safety Risk Flag to document dates of order, name of restrained person and/or name of protected person.
    - i. Flag Level should be set at "Warning," the Note should include name of protected person and/or restrained person, plus clear details regarding order. Examples may include protected distance, access to record, and other safety risks outlined in order.
    - ii. Display Date should be date order received and Due Date the expiration of the order. The assigned user should be the site HIT.

- iii. If client is closed prior to order end date the assigned user should be switched to the Health Information Supervisor.
    - iv. When an order expires, if not extended for a new court hearing, the flag is ended, not deleted to preserve the record of the protective order as a reportable log.
  - c. HIT will check for additional individuals listed in the order if they are in SmartCare to add Safety Risk flags.
    - i. This will include clients that are the restrained party, to ensure program staff can see if they have clients who should not be in the same location at the same time.
5. All staff will need to verify that there is no current protective order that includes restrictions to access of a chart before any verbal or written disclosures are made.
6. Behavioral Health or discretionary service organization shall not release information or records pertaining to the child to the restrained party during the term of the order.

### **Protective Order Reported but not Physically Received**

1. When staff are notified by client or client parent/guardian that there is a protective order but are unable to provide a copy, staff will take down the details and report to the site HIT or BH Health Information Supervisor.
2. BH Health Information Supervisor or site HIT will:
  - a. Set a Safety Risk Flag documenting that this is by Client or Parent/Guardian report and add the details as reported.
  - b. Email treatment team members, site supervisor and site clerical staff of reported safety concern.
3. Staff will follow up with the client to see if they are able to provided a copy of the order. If not, staff will follow up with probation, court, or County Counsel to verify Protective Order information.
4. Once confirmed details are received staff will forward to BH Health Information Supervisor or site HIT to update Safety Risk Flag.
  - a. If a hard copy of order is received, HIT will follow Protective order Received steps.
5. Site HIT will update flag with source of confirmation and details. Just as with a paper copy HIT will verify if other named parties are clients and add flags if applicable.

### **Legal References:**

**CALIFORNIA FAMILY CODE  
DOMESTIC VIOLENCE PREVENTION ORDERS**

**Ex Parte Orders**  
**Family Code Section 6323.5**

**(a) For purposes of this section, the following definitions apply:**

**(1) “Discretionary services organization” includes any organization that provides nonessential services to children, such as recreational activities, entertainment, and summer camps. “Discretionary services organization” also includes a place of employment of a minor described in subdivision (b).**

**(2) “Essential care provider” includes a public or private school, health care facility, daycare facility, dental facility, or other similar organization that frequently provides essential social, health, or care services to children.**

**(b)(1) Notwithstanding Section 3025, and in accordance with Section 6322, a court may include in an ex parte order a provision restraining a party from accessing records and information pertaining to the health care, education, daycare, recreational activities, or employment of a minor child of the parties.**

**(2) A parent or guardian may provide a copy of an order with a provision specified in paragraph**

**(1) to an essential care provider or a discretionary services organization, or both.**

**(c)(1)(A) An essential care provider shall, on or before February 1, 2023, develop protocols relating to the provider's compliance with the order described in subdivision (b), including, at a minimum, designating the appropriate personnel responsible for receiving the protective order, establishing a means of ensuring that the restrained party is not able to access the records or information, and implementing a procedure for submission of a copy of an order and for providing the party that submits the copy of the order with documentation indicating when, and to whom, the copy of the order was submitted.**

**(B) A discretionary services organization that is provided an order described in subdivision (b), shall develop the protocols specified in paragraph (1) within 30 days of receipt of the first order.**

**(2) If an essential care provider or discretionary services organization is provided with a copy of an order described in subdivision (b), the essential care provider or discretionary services organization shall not release information or records pertaining to the child to the restrained party. This requirement applies regardless of whether the essential care provider or discretionary services organization has finalized the protocols described in paragraph (1).**

**(d) The Judicial Council shall develop or update any forms or rules of court that are necessary to implement this section.**

**(e) This section shall become operative on January 1, 2023.**

**Revision History**

<b>Date:</b>	<b>Section Revised:</b>	<b>Details of Revision:</b>
1-1-23	Original	New

12-31-25	All	Change reporting to use of flags. Detail information to include in flag and management of flags. All protective orders are tracked and there is notification for both protected and restrained clients to ensure programs are meeting the order requirements. Add section for if reported but no physical copy received.
----------	-----	--