Testimony in support of HB 2480

Chair Humphries, Vice Chair Williams, and Members of the House Judiciary Committee,

I write today in strong support of HB 2480, which seeks to address the conflict between attorney-client confidentiality and mandatory reporting laws for licensed social workers when employed as part of criminal defense or family law teams. Social workers provide invaluable assistance to legal teams by identifying and securing resources that support rehabilitation and compliance with legal conditions. Whether it be locating mitigation evidence, arranging for mental health and substance abuse treatment, or advocating for alternatives to incarceration, social workers serve as a bridge between legal advocacy and social services. Our expertise ensures that clients receive the care and support necessary to address the root causes of their legal issues, ultimately leading to better outcomes and reduced recidivism.

However, the current statutory conflict between attorney-client privilege and mandatory reporting obligations creates an untenable situation for social workers in these roles. As it stands, social workers are legally required to report suspected child abuse, even when that information is obtained in a privileged setting. This not only places social workers at risk of criminal liability but also disrupts the essential trust that must exist between a client and their legal team. Attorneys are ethically and legally bound to maintain confidentiality, yet employing a social worker under current law could create a direct conflict between these professional responsibilities. As a result, many legal teams are unable or unwilling to hire social workers, depriving clients of the essential services we provide.

A narrow legislative change to resolve this conflict would allow social workers to fully integrate into defense and family law teams without the fear of violating either ethical or legal obligations. This solution would expand access to critical support services for justice-involved individuals, lead to cost savings by reducing incarceration rates, and enhance public safety by ensuring individuals receive the appropriate care and supervision needed to prevent reoffending.

As social workers, our mission is to advocate for those in need and to work toward systemic improvements that benefit individuals, families, and communities. By aligning social work professional obligations with those of the attorneys we serve alongside, this bill would ensure that clients receive comprehensive legal and social support. I urge the Legislature to pass this important measure and remove the existing barriers that prevent social workers from fully participating in legal defense teams.

Thank you for your time and consideration.

Sincerely,

Tim Davis, PhD, LSCSW

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