

Understanding the **Limits** to Confidentiality In Counseling

When Counselors **CANNOT** Keep Things Secret

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As we enter a counseling/therapy relationship it's **VERY IMPORTANT** you know about those few circumstances when counselors (myself included) cannot keep counseling sessions "a secret" and must "break confidence" by making "outside reports" to others. While the discussions we have ARE and WILL REMAIN confidential, *there are a few situations where that is not the case* and things you share with me will be shared with outside authorities. If you fail to realize this NOW and in an "upfront way" and I find myself required (mandated) to share our sessions with the police, Adult Protective Services, Child And Youth Services, you will blame me, feel betrayed, tricked and become angry so PLEASE READ THIS STATEMENT VERY CAREFULLY so we are in agreement on this very important matter. Please note that what you are about to read will apply to ANY COUNSELOR/MINISTER you see ANYWHERE IN THE UNITED STATES so understand these are not "my rules" or ideas!

According to state and national laws, if a client tells a therapist, minister or counselor any of the following, OR if the counselor, therapist, minister believes any of the following is true about a client, that individual MUST call the police, Children And Youth Services, or other authorities. They simply have no choice. What are those "limits to confidentiality?"

- **Harm to a child**-if you indicate OR I HAVE REASON TO BELIEVE, a child in your care or presence, is being harmed, neglected or exposed to harmful influences (such as violence, inappropriate sexual behaviors, constant emotional or verbal abuse, physical abuse, etc) I must call outside authorities and report these suspicions to them;
- **Harm to an elder**- as stated above, the same principles apply to those taking care of elders or the disabled;
- **Self-harm**-if I think you might harm yourself and attempt suicide, I am bound to call the police or other helpers to intervene. This also applies for those who are caught in a cycle of self-wounding (cutting, burning, etc) and to extreme drug users. If I think you are a danger to yourself, I cannot keep such concerns a secret;
- **Harm to another**- if I think you might harm someone else, I MUST contact them and warn them (to the best of my ability), call the police and warn anyone else who might be able to intervene;
- **Illegal Activities**- if I have reason to believe you have been involved in PAST violations of the law including, but not limited to violent crimes, harm to a child, etc. I MAY have to report such violations to the police similarly if I believe you are involved in current illegal activities or plan on future crimes, I may have to contact the police. In all such cases I will follow the direction of local and federal laws and seek legal counsel as my guide. If I make reports, you will not construe this as my violating your confidence;
- **Lawsuits**- if you initiate legal proceedings against me, you thereby forfeit your rights to our sessions being confidential;

- **Subpoenas and court orders**- if an officer of the court issues a subpoena or summons I will do my best to have that summons cancelled so as to keep our discussions confidential. I'll call you to ask you to contact your attorney so he/she can have the subpoena "quashed" (cancelled). If that is not possible, I may have to testify despite my desire to maintain your confidence. In that case, your signature below releases me from any accusation of violating your confidence or privilege. If a Judge issues a Court order/Bench warrant, I MUST comply without hesitation and cannot maintain confidence;
- **Patriot act** - Strange as it sounds, the Patriot Act of 2001 (Section 215) allows the US Government to access any therapist files, without notifying the client about such access. Additionally, it forbids the therapist to notify that client, under threat of arrest and/or fine, which means the US Gov't under the cover of the Patriot Act, can demand therapy records and therapists must comply;
- **Child/Harm Disclosures**- if a child indicates to me, or if I believe a child is in danger, I MUST report such concerns to CYS and/or the police;
- **Threats from you to me**- if I believe you are a legitimate threat to me, including but not limited to an actual physical threat, stalking, harassment, or behaviors of a similar nature, I have a right to protect myself by means of police and/or legal action, disclosing to such authorities the fact that you have been my client. Note that if this should occur, I have a right to immediately discontinue our therapy relationship and such discontinuance will NOT be viewed as "abandoning the client."

Please be aware of these important limits to confidentiality. Should others arise which I am uninformed of, I will discuss them with you in therapy. Please realize that if I make reports to any outside agency such as Children and Youth Services, Adult Protective Services, etc. **if and when appropriate in my professional opinion**, I will notify you of my having made those reports unless counseled against such notifications by an outside agency.

Your signature on this document tells me you agree to these limitations and **IN THE EVENT I HAVE TO MAKE A REPORT AS INDICATED IN ANY OF THE AFOREMENTIONED SCENARIOS OR OTHERS LIKE THEM, YOU WILL NOT CLAIM I HAVE BETRAYED, TRICKED, DECEIVED NOR COMPROMISED** you by making such a report. And you **WILL NOT** seek legal action against me claiming I have violated your rights to privacy or confidentiality.

Client _____ Date _____

Counselor _____ Date _____