

## INFORMED CONSENT REGARDING CONFIDENTIALITY

### Family Service, Inc. Employee Assistance Program

As you are aware, in order to serve you successfully, you will often share private, sensitive information about yourself. In general, the confidentiality of all communications between a client and a licensed therapist is protected by law, and personal information which you reveal can only be released to others with your written permission. However, there are a number of exceptions to this basic rule about which you should be fully informed before proceeding further. Although some of this material deals with difficult, anxiety provoking subjects, it is very important that you consider it very carefully and discuss it with your therapist. If you have any questions or concerns, please do not hesitate to raise them.

#### 1. Situations in Which There is Potential Harm to the Client or Others

There are some situations in which the counselor is legally required to take action to protect others from harm, even when that requires disclosing otherwise confidential information about a client's treatment. These situations rarely arise.

If the counselor has reason to believe that a child under the age of 18, an elderly person or a disabled person is suffering **serious physical and/or emotional injury** as a result of abuse or neglect, the counselor is legally required to file a report with the appropriate state agency.

If you are **threatening immediate harm to yourself (suicide)**, the counselor's responsibility is to try to protect you. If it is clinically appropriate, the counselor will try to persuade you to admit yourself to a hospital where you can be protected and receive appropriate treatment. In some cases, the counselor may be forced to seek hospitalization by other means. The counselor may also attempt to contact a member of your family or another person who can help to protect your safety.

Finally, if you make a **serious threat of physical violence against another person**, the counselor is legally obliged to take appropriate action to protect that person. This can include convincing you to admit yourself to an appropriate hospital, notifying the potential victim, notifying the police and or seeking hospital admission by other legal means or contact family members or others who can provide protections. When a client has a history of violent behavior and the counselor concludes that he/she is a threat to another person, the counselor is obligated to take one or more of these preventive actions.

#### 2. Professional Consultations

As is the general practice in this profession, counselors sometimes find it helpful to consult with professional colleagues to enhance the clinical services and quality that are provided. In these consultations in which clinical information may be discussed, the counselor will make every effort to present the material in a manner which will not reveal your identity. Consultants and all office staff are bound by these policies of confidentiality.

#### 3. Legal Proceedings

Because of the legislature's appreciation of the importance of protecting the privacy of therapeutic information, it has established a **"privilege" for communications between a counselor and his/her clients**. This "privilege" entitles you to the confidentiality of your work here, in any judicial or administrative proceeding, even if a subpoena has been issued. However, there are also some situations in which a judge can, at his/her discretion, make an exception and issue a court order requiring testimony or release of your record.

One of the most important exceptions occurs in proceedings involving child custody or adoption. A judge can order the counselor's testimony if he/she decided that the counselor possesses important information about a client's parenting ability and that the benefits of disclosure outweigh the importance of protecting therapeutic confidentiality.

The counselor's testimony can also be required: 1) when the client is involved in a **lawsuit** where he/she has raised his/her mental condition as part of his/her claim or defense; 2) when the communication occurs as part of a **court ordered evaluation**; 3) when the client brings a **malpractice** or disciplinary proceeding against the counselor; or, 4) when the client has died. Since these disclosures can only be required in a court proceeding, there will usually be an opportunity for you and your counselor to discuss these issues in advance. Unless you give your permission in writing, your counselor will refuse to provide information unless required to do so by court order.

You will be working with a professionally qualified counselor. If the counselor is an intern you will be informed and you can ask for a staff member if you prefer.

Any questions, comments or grievances you may have about the EAP or its services can be directed to your EAP counselor or the EAP Director. In order to monitor and improve EAP services we may contact you about your satisfaction with our service and the outcome of any referrals. We appreciate your participation.

**I have had the opportunity to discuss and ask questions about this informed consent statement with my counselor and I consent to receive services accordingly.**

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client/parent/guardian signature

\_\_\_\_\_  
counselor signature

\_\_\_\_\_  
date