

Jeff Shannon, LMFT
6097 Claremont Avenue, Oakland, CA 94618
250 Lafayette Circle, Lafayette, CA 94549
(510) 595-5580
jeffshannonmft@gmail.com
jeffshannonmft.com

(MFC # 35848)

CONFIDENTIALITY IN PSYCHOLOGICAL SETTINGS

PLEASE READ THIS ENTIRE DOCUMENT AND COMPLETE THE ITEMS AT THE BOTTOM

I will treat what you tell me with great care and discretion. My professional ethics (that is, my profession's rules about values and moral matters) and the laws of this state prevent me from telling anyone else what you tell me unless you give me written permission. These rules and laws are the ways our society recognizes and supports the privacy of what we talk about—in other words, the “confidentiality” of therapy. But there are times when the law requires me to share what you tell me. There are also some other limits to our confidentiality. We need to discuss these, because I want you to understand clearly what I can and cannot keep confidential. Please read these pages carefully, sign below if you agree, and keep this copy. At our next meeting, we can discuss any questions you might have.

The following are exceptions to or times when confidentiality does not apply:

1. When you or other persons are in imminent physical danger.

If I come to believe that you are threatening imminent serious harm to another person, I am required to try to protect that person. I have to warn the person you name and notify the police.

If you seriously threaten or act in a way that is very likely to harm yourself, I have to take steps to protect you, including but not limited to contacting authorities, arranging hospitalization, and/or calling on your family members or others who can help protect you. If such a situation does come up, I will fully discuss the situation with you before I do anything, unless there is a very strong reason not to.

In an emergency where your life or health is in danger, and I cannot get your consent, I may use my professional judgment to obtain proper care for you. I will try to get your permission

first, and I will discuss this with you as soon as possible afterwards.

If I believe or suspect that you or someone about whom you tell me, are abusing a child, an elderly person, or a disabled person, I must contact authorities to protect that person. To “abuse” means to neglect, hurt, or sexually molest another person. I do not have any legal power to investigate the situation but I must report it. The state agency or law enforcement will investigate. If this might be your situation, we should discuss the legal aspects in detail before you tell me anything about these topics. You may also want to consult a lawyer.

It’s important to make clear that, if you tell me about child abuse that you experienced in the past, I do not need to make a report unless the person who abused you still has access to children.

In any of these situations, I would reveal only the information that is needed to protect you or the other person.

2. In general, if you become involved in a court case or proceeding, you can prevent me from testifying in court about what you have told me. This is called “privilege,” and it is your choice to prevent me from testifying or to allow me to do so. However, there are some situations where a judge or court may require me to testify:

In child custody or adoption proceedings, where your fitness as a parent is questioned or in doubt.

In cases where your emotional or mental condition is important information for a court’s decision.

During a malpractice case or an investigation of me or another therapist by a professional group.

In a civil commitment hearing to decide if you will be admitted to or continued in a psychiatric hospital.

When you are seeing me for court-ordered evaluations or treatment. In this case we need to discuss confidentiality further.

If you were sent to me for an evaluation by worker’s compensation or Social Security or other disability carrier, I will be sending my report to a representative of that agency and it can contain anything that you tell me. These agencies have a right to your full records.

3. I may sometimes consult (talk) with another professional about your treatment. This other

person is also required by professional ethics to keep your information confidential. Likewise, when I am out of town or unavailable, another therapist will be available to help my clients. I must give him or her some information about my clients.

4. I am required to keep records of your treatment, such as the notes I take when we meet. You have a right to review these records with me and to request a copy if you so desire. There are some circumstances where I can deny access. These include:

If I believe that releasing your records may cause harm to you or anyone else mentioned during therapy.

In this case, you can appeal my decision and have the right to a review by another qualified mental health professional.

5. Here is what you need to know about confidentiality in regard to insurance and money matters:

If you wish to use your health insurance to pay part of my fees, the insurance company will require me to provide information that may include your functioning in many areas of your life, your social and psychological history, attendance, current symptoms, diagnoses, medications, and our treatment plan.

It is against the law for insurers to release information about our office visits to anyone without your written permission. Although I believe the insurance company will act morally and legally, I cannot control who sees this information after it leaves my office.

If you have been sent to me by your employer's employee assistance program, the program may require some information. Again, I believe that they will act morally and legally, but I cannot control who sees this information at their offices. If this is your situation, We should fully discuss my agreement with your employer or the program before we proceed.

If your account with me is unpaid and we have not arranged a payment plan, I can and will use legal means to get paid. In this case, the only information I will give to the court, a collection agency, or a lawyer will be your name and address, the dates we met for professional services, and the amount due to me.

6. Children and families create some special confidentiality questions.

When I treat children under the age of about 12, I must tell their parents or guardians whatever the parents ask me. As children grow more able to understand and choose, they assume legal rights. For those between the ages of 12 and 18, most of the details in things they tell me will be treated as confidential. However, parents or guardians do have the right

to general information, including how therapy is going. They need to be able to make well-informed decisions about therapy. I may also have to tell parents or guardians some information about other family members that I am told, especially if these others' actions put them or others in any danger.

In cases where I treat several members of a family (parents and children or other relatives), the confidentiality situation can become complicated. I may have different duties toward different family members. At the start of our treatment, we must all have a clear understanding of our purposes and my role. Then we can be clear about any limits on confidentiality that may exist.

If you tell me something your spouse does not know, and not knowing this could harm him or her, I cannot promise to keep it confidential. I will work with you to decide on the best long-term way to handle situations like this.

If you and your spouse have a custody dispute I will need to know about it. My professional ethics prevent me from doing both therapy and custody evaluations.

If you are seeing me for marriage counseling, you must agree at the start of treatment that if you eventually decide to divorce, you will not request my testimony for either side. The court, however, may order me to testify.

At the start of family treatment, we must also specify which members of the family must sign a release form for the common record I create in the therapy or therapies. (See point 7b, below.)

7. Confidentiality in group therapy is also a special situation. In group therapy, the other members of the group are not therapists. They do not operate under the same ethics and laws that I do. Although we will all discuss the importance of confidentiality, you cannot be certain that they will always keep what you say in the group confidential.

9. Finally, here are a few other points:

I will not record our therapy sessions on audiotape or videotape without your written permission.

Except in the case of providing treatment to you described above, I will not release information to other professionals without your written permission.

Any information that you tell me outside of therapy, willingly and publicly, will not be considered protected or confidential by a court.

The laws and rules on confidentiality are complicated. Please bear in mind that I am not able to give you legal advice. If you have special or unusual concerns, and so need special advice, I strongly suggest that you consult an attorney.

Your signature will be collected at your first session to show that we each have read, discussed, understand, and agree to abide by the points presented above.

Please check each box to signify that you agree

- I have read and understand the confidentiality information presented here
- I understand that I may ask questions regarding this document at any time
- I understand that I may return to this page and review this document at any time

Please enter your full name

First

Last

Signature

Date: _____