

Limits to Confidentiality

Although psychologists must always honor your privacy by maintaining confidentiality about your disclosures and securely preserving your records, there are exclusions to this rule. The American Psychological Association has posted a summary of situations in which a mental health professional may be required by law to break confidentiality. Psychologists can (or must) break confidentiality, and take other appropriate actions, as warranted, if:

1. You are a danger to yourself and threaten to harm yourself (e.g., suicidal).
2. You threaten to harm another specific person (e.g., assault, kill).
3. A member of your family informs your treating therapist that you seriously intend to harm another.
4. You are seeking psychological services to enable someone to commit a crime, or to avoid detection or apprehension yourself.
5. You are being evaluated by a court-appointed psychologist.
6. You are being evaluated to determine your sanity in a criminal proceeding.
7. You are involved in a proceeding where your mental competence is at issue.
8. You disclose something that your treating therapist is required to report (e.g., child abuse, child sexual assault, and elder abuse). In these cases psychologists are required to telephone and file a written notification to the relevant public office, such as Child Protective Services. There is no choice in the matter of reporting. This applies to ALL cases of child or elderly abuse, even if someone else is the victim or perpetrator.
9. You are under 16 years old and are the victim of a crime.
10. You are under 18 years old and your treating therapist reasonably suspects that you are a victim of child abuse.
11. You are over 65 and your treating therapist believes that you are the victim of physical abuse. Also, psychologists may break confidentiality if you are over 65 and the victim of emotional abuse (but they are not required to do so).
12. You die, and the information you had disclosed is known by your therapist or documented in your record is important to an issue between parties making claims through you (litigation).
13. You die, and the information being released by your psychologist is important in a. Ascertaining your intent, or b. Deciding an issue, concerning a deed of conveyance, will, or other writing of yours affecting your interest in property (real estate claims).

14. You file a lawsuit against your psychologist for breach of duty (e.g., incompetence) or your psychologist files a lawsuit against you.

15. You have filed a lawsuit against anyone and are claiming mental or emotional damages as a part of the suit.

16. You have waived your rights to privilege or give consent in writing to limited disclosure by your psychologist (Release of Information).