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### **Explanation of Confidentiality**

I will treat what you tell me with great care. My professional ethics (that is, my profession's rules about 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, "confidentiality" of therapy. But I cannot promise that everything you tell me will never be revealed to someone else. There are some times when the law requires me to tell things to others. There are also some other limits on our confidentiality. We need to discuss these, because I want you to understand clearly what I can and cannot keep confidential. You need to know about these rules now, so that you don't tell me something as a "secret" that I cannot keep secret. At our next meeting, we can discuss any questions you might have.

**When you or other persons are in physical danger**, the law requires me to tell others about it.

Specifically:

- If I come to believe that you are threatening serious harm to another person. I am required to try to protect that person. I may have to tell the person and the police, or perhaps help you seek hospitalization.
- If you seriously threaten or act in a way that is very likely to harm yourself, I may have to contact the police, a family member 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 give another professional some information to protect your life. 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 are abusing a child, an elderly person, or a disabled person I must file a report with a state agency. To "abuse" means to neglect, hurt, or sexually molest another person. I do not have any legal power to 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 talk to your lawyer. In any of these situations, I would reveal only the information that is needed to protect you or the other person. I would not disclose information you have shared with me that is not relevant to the current situation.

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.
  - When you are seeing me for court-ordered evaluations or treatment. In this case we need to discuss confidentiality fully, because you don't have to tell me what you don't want the court to find out through my report.

**There are a few other things you must know about confidentiality and your treatment.**

- I may sometimes consult (talk) with another professional about your treatment, however, I will not divulge identifying information like your name or date of birth. This other person is also required by professional ethics to keep information confidential.
- 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.

**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 they 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. This is especially true 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 very complicated. 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 these.
- If you and your spouse have a custody dispute, or a court custody hearing is coming up, 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.

**Confidentially in group therapy is also a special situation.**

In group therapy, the other members of the group are not therapists. They do not have the same ethics and laws that I have to work under. You cannot be certain that they will always keep what you say in the group confidential. Confidentiality will be addressed and requested in group settings.

**Finally, here are a few other points:**

- I will not record our therapy session on audiotape or videotape without your written permission. If you want me to send information about our therapy to someone else, you must sign a "release of information" form.
- Any information that you also share outside of therapy, willingly and publicly, will not be considered protected or confidential by a court.

The laws and rules on confidentiality are complicated. Situations that are not mentioned here come up only rarely in my practice. 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 talk to a lawyer to protect your interest legally.

The signature here shows that you have read, understand, and agree to abide by the points presented above.

\_\_\_\_\_ Date  
Print name of client or person acting for the client

\_\_\_\_\_ Signature of witness  
Signature