

Confidentiality and Minors Presentation Scenarios

11/06

I.

When a minor is in counseling/therapy with a mental health professional what are the limits of confidentiality with regard to certain specific issues described below and how if at all does the age of the child or the specific facts affect the answer:

Issues:

1. What triggers the duty to inform parents of (imminent) danger to the child? I.e. What is imminent danger and when, if ever, must the parents be notified of such circumstances?
2. What if the child is not in “imminent danger” but is instead engaged in “risky behavior”? Does this trigger a legal obligation to inform parents? If not, does the therapist have the discretion to inform without violating confidentiality and subjecting the therapist/agency to liability?
3. When must information regarding a child’s whereabouts or intentions be reported to:
 - a. Parents/Guardians
 - b. CFSA/CPS

For example, if a child reveals that he/she is not returning home after school or in the evening or is running away what is the legal obligation of the therapist to disclose this? To what entity? If the therapist/agency knows or has information about the whereabouts of a child in abscondance or who is not at home what is the obligation to inform the parent or CFSA or the Police.

4. When can the therapist respond to a parental request for information regarding the content of therapy? How do the facts regarding referral affect the answer? I.e., What if it was the parent who brought or sent the child to therapy? How does the age of the child affect the answer?

II.

A person is in counseling or therapy and reveals:

1. He/she committed or may have committed a crime.
2. He/she intends to commit a crime.
3. He/She knows about or witnessed a crime that was committed
4. He/she knows about a crime that may be committed

Issues:

What are the legal and ethical obligations of a counselor or therapist, if any, to disclose/report such information and if there is an obligation to report to whom or to what entity is the report made?

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