

Dear [Provider],

[Date]

I have been appointed Guardian *ad Litem* for your minor client, [Youth]. [Youth] is in the temporary custody of [custodian]. I've attached my Order of Appointment as well as the Temporary Custody Order. You can ask the temporary custodian to consent for treatment.

[Youth] is a subject child in a Dependency Action. As you know, all the children you treat benefit from the therapeutic privilege. His/Her communication with you, your diagnosis, and your treatment advice are confidential and cannot be inserted into the court case without a waiver from the holder of the privilege. A typical child-client likely lives with their privilege holder if they do not hold it themselves. This typical situation generally results in free collaboration with the child's caregivers. However, the [youth's] caregivers do not hold his/her privilege. [The child is the presumed privilege holder at this time] *or* [The child's parents are the presumed privilege holders at this time] *or* [I/other person have been determined by the Court to be the privilege holder.] I have attached the Order Determining Privilege/ I will let you know when the Court issues an order determining privilege. You can ask the holder of the privilege about ROIs.

**A child's individual therapy as well as family or group therapy is covered by the privilege.** In a Dependency case, a child's therapeutic privilege is especially important to protect. To successfully address trauma in your sessions, [youth] must know with certainty that the things he/she tells you are not just confidential but also privileged, and that their statements will not be improperly used in court or otherwise injected into the ongoing court proceedings. Because of the collaborative nature of Dependency Actions, many of the people you will be asked to collaborate with (DHS, myself, parents, family members, caregivers) either are or can become parties to the court action. This requires extra discretion on your part when sharing information with [youth]'s support network.

The child's privilege may be affected if you are subpoenaed to appear in court, or if you are asked to disclose the contents of your sessions outside of court. The child's privilege can be implicated if you share the child's words, thoughts, or actions with others. If you receive a subpoena, or if you have inadvertently shared something about session that you now feel could implicate the privilege, please contact the child's privilege holder.

**Not everything in your file is privileged.** The privilege is not affected by your disclosure of any statements or actions which you must disclose as a mandated reporter. In addition, sharing some information with others is beneficial or even necessary for the youth's success. Information that caretakers, parents, or other providers may be entitled to that does not implicate the privilege may include:

- Dates and times of appointments and youth's attendance record
- General summaries and coaching "Child is frustrated, you can support a child who has experienced trauma in this situation by.... "

In the attached Order Determining Privilege, the Court has expressly granted a limited waiver for sharing this kind of information to the extent that it may incidentally affect the privilege.

Should you or [youth] feel it is necessary to disclose privileged information to any party, I encourage you to reach out to the privilege holder to discuss.

Thank you, and please do not hesitate to reach out if you have any questions.