

Dear [Provider],

[Date]

The Court has determined that your minor client, [youth name] , holds his/her own therapeutic privilege. The Court has appointed an independent Counsel for the Child, [counsel name and contact], to advise him/her in exercising him/her privilege. Please see the enclosed Order.

[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 treatment advice are confidential and cannot be inserted into her court cases without a waiver (release of information). Because of the unique collaborative nature of Dependency Actions, many of the people you and [youth] will be collaborating with (DHS, myself, [youth's parents]) are all parties in the court actions.

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 together, [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.

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 during session with the child's caregivers, parties to the case, or other professionals. If you receive a subpoena, or if you have inadvertently shared something about session that you now feel could implicate the privilege, please contact [child's counsel] so he/she can advise [youth] on this matter.

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 in therapy. 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, 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 [child's counsel].

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