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## Confidentiality

Many people wonder about confidentiality, and if they are assured privacy for what they tell a psychologist. The general rule is, 'Yes.' As I tell most folks I see, 'What you tell me stays inside this office, and never leaves my file cabinet.'

There are four classes of exceptions to this rule that I come across in the work I do.

### Mandatory reporting

The first is when it is mandated by state law. If a person is abusing or neglecting a child, an elderly individual, or the disabled, there is no choice in the matter. A psychologist is *required by law* to tell the authorities that such illegal behavior is occurring. This most commonly arises around a parent not taking adequate care of a child.

A second set of circumstances is when the state system is already involved with a person, such as DSS having intervened in a family because of child abuse or neglect. The state has taken the child out of the home, and there is a desire to make a determination, such as if reunification with the parent should occur. So, when an agency like DSS makes the referral to a psychologist, what the parent tells the psychologist is not confidential, and will be reported back to the agency. Parents I have seen in such referrals understand this from the outset on their own. I still tell them verbally and in writing. My perspective is that if the parent is serious about regaining custody of their children, and they have taken steps to effectively deal with their issues, they should want me to release such information to the government because it will help them. They get no say in the matter. The information will be released. But, it is generally to their advantage anyway.

### Lawsuits

Another reason why confidentiality is not maintained is when lawyers and judges are involved in a person's life. This may include situations such as personal injury lawsuits. If you have been injured in a car accident, or on the job, and are alleging disability such as chronic pain, brain damage, etc. and seeking a settlement, your lawyer will want to know my findings. You still have to give written permission for such information to be communicated to your lawyer.

Custody battles over children are another common legal issue, where a judge may want to know if one or both parents are fit to raise a child. There are two ways this scenario can play out. If the judge refers you to a psychologist, then you have no say in the material being released. The psychologist is working for the Court, not for you. If you seek out the therapist, such as to make allegations against your ex-spouse, then your written

permission is required for information to be shared with the legal system, such as your attorney.

### Employers

Another circumstance where confidentiality is not maintained arises when an employee is referred by their employer. This can arise for a number of reasons. The ones I see most commonly are for issues like an employee being drunk on the job, especially when they are in sensitive positions, such as their being a police officer, or working in a nuclear power plant. Threats of violence are another major concern that employers have, given all the national news stories that have occurred in recent years about people 'going postal' and killing others on the job. Again, the employee knows from the outset that a report will be shared with the employer, and this is still documented in writing with their signature required, which allows information to be released.

I should state that the above scenario is very different than an employee who seeks out a psychologist on their own. Many companies have EAPs (employee assistance plans) which allow someone to get help for their personal problems and still have full confidentiality. Such visits to a clinician are over private matters, such as marriage conflicts, difficulties dealing with the children, depression, or alcohol abuse. Such problems are not reported back to the employer. All the company wants is for you to get help for such issues so that you will not be distracted, hindered or otherwise impaired from being able to do your job well. So, it is to the employer's benefit that you get help, and they have no need to know the specifics of what you share with the psychologist.

### Children who are minors

A fourth case where confidentiality is not maintained is when a child tells me something that a parent needs to know. I most commonly come across this with teens who are drinking alcohol and/or using illegal drugs like marijuana. Kids inevitably do not want their parents to know that they are engaging in such behavior.

What I have typically found is that kids are more in to experimenting with alcohol or drugs. Some do have full blown problems, such as being alcoholic at an early age, but that is rare. My experience has been that if I tell the parents what is happening most will listen calmly, and deal with it pretty well. A teen having a couple of beers at a party is not grounds for shipping them off the next day to the Betty Ford Clinic for treatment of alcohol abuse. However, early use of substances is still a concern. Little problems tend to grow in to big ones if left unchecked.

What I will tell a teen, especially the older and more sophisticated ones, is that if I don't tell their parent what is happening sooner or later they are going to find out anyway, and then there will be an explosion in the home. So, the kid benefits by having it come out in the open, and gaining my assistance to help the parent deal with the issue in a more helpful and calm manner. My attitude also is that if a teen wants adult privileges like drinking alcohol they have to take adult responsibilities too, and this includes owning up to their behavior.

When children are no longer legal minors, which in North Carolina is at the age of 18, the law changes. The parent typically is bringing their child to see me for some reason, such as doing poorly in school, or from issues like being depressed. The parent thinks ‘This is my child. I pay the bills, provide a roof over their head, and food. I have a need and desire to know how to best help my child.’ But, law makes life more complicated.

If the child/legal adult tells me something like they are drinking alcohol or doing drugs I am not permitted to tell the parent without written permission. I inform parents of this legal wrinkle during the initial phone call that sets up the appointment. I will still tell the teen that they are better off with my telling the parent what is occurring, for the reasons that are outlined on the previous page of this article. If the child wants me to stay mum on such matters I do so, because that is required by state law.

#### Release of information

The most common reason I share information with someone else is when I am told to do so, in writing, by the person I am seeing. Parents who are having their child evaluated typically want me to share my findings with the pediatrician, a child psychiatrist or psychologist, or the school. Adults I see for their own reasons usually want me to share my findings with someone, such as a therapist they are seeing for matters like depression or panic attacks. My telling such individuals is not mandated, and is specifically requested, in writing. If a parent or adult does not want me to share my findings with someone, such as their child’s school or doctor, that too is fine. As I put it, ‘It makes no difference if you or I stick a postage stamp on an envelope and mail it.’ I offer the service as a courtesy.

On rare occasion the parent or adult may want the findings released to no one. They seek out my services for their own reasons. They alone get the results, and that is fine by me.

#### Summary

The two situations I come across most commonly around confidentiality are summed up in the first paragraph of this article, and the last set. That is, what is said in my office stays there. Or, if it is released, it is done so with your written permission. Confidentiality is not an issue that should be worried about by most people.

The exceptions to the rule on confidentiality, which I have outlined in this article, are easily understood by virtually everyone I see, but to stay within the law, I still review them.