

## Exceptions to Confidentiality for Mental Health Providers

(in California)

*The following is a list of exceptions to confidentiality for health care providers in California. It is stated in a manner that is “user friendly” for a patient who is beginning treatment and is being informed by the new treating therapist about confidentiality and its limits. Please note that laws are subject to revision and that this list may not represent all the current exceptions to confidentiality.*

Although psychologists must always honor your privacy by maintaining confidentiality about your disclosures and securely preserving your records, there are exclusions to this rule. Psychologists can (or must) break confidentiality, and take other appropriate actions, as warranted, if:

1. You are a danger to yourself and threaten to harm yourself (e.g., suicidal).
2. You threaten to harm another specific person (e.g., assault, kill).
3. A member of your family informs your treating therapist that you seriously intend to harm another.
4. You are seeking psychological services to enable someone to commit a crime, or to avoid detection or apprehension yourself.
5. You are being evaluated by a court-appointed psychologist.
6. You are being evaluated to determine your sanity in a criminal proceeding.
7. You are involved in a proceeding where your mental competence is at issue.
8. You disclose something that your treating therapist is required to report (e.g., child abuse, child sexual assault, and elder abuse). In these cases psychologists are *required* to telephone and file a written notification to the relevant public office, such as Child Protective Services. There is no choice in the matter of reporting.
9. You are under 16 years old and are the victim of a crime.
10. You are under 18 years old and your treating therapist reasonably suspects that you are a victim of child abuse.
11. You are over 65 and your treating therapist believes that you are the victim of physical abuse. Also, psychologists *may* break confidentiality if you are over 65 and the victim of emotional abuse (but they are not required to do so).
12. You die, and the information you had disclosed is known by your therapist or documented in your record is important to an issue between parties making claims through you (litigation).
13. You die, and the information being released by your psychologist is important in
  - a. Ascertaining your intent, or
  - b. Deciding an issue, concerning a deed of conveyance, will, or other writing of yours affecting your interest in property (real estate claims).
14. You file a lawsuit against your psychologist for breach of duty (e.g., incompetence) or your psychologist files a lawsuit against you.
15. You have filed a lawsuit against anyone and are claiming mental or emotional damages as a part of the suit.
16. You have waived your rights to privilege or give consent in writing to limited disclosure by your psychologist.