



Dr. Erin G. Underbrink, Ph.D.

## **PRIVACY POLICY AND CONFIDENTIALITY**

This document, taken and edited from the recommended privacy policies through Trust Liability Insurance, outlines your rights to and limits of confidentiality between you/your child and Dr. Underbrink. In general, the privacy of all communication between patient and psychologist is protected by law; Dr. Underbrink/PTG can only

release information about your treatment to others with your written permission. But there are a few exceptions, indicated below.

If you are a college student, young adult, or an adult who has another adult (i.e., parent or guardian) involved in the treatment process for support, legal reasons, or financial payment, you will be required to complete a Release of Information in order for Dr. Underbrink to discuss indicated components of treatment with them. As the adult patient, you may indicate which information and to what extent is disclosed with others, unless any of the below situations arise.

In most legal proceedings, you have the right to restrict any information about your treatment from being provided. In some legal proceedings, a judge may order my testimony if he/she determines that the issues demand it, and Dr. Underbrink must comply with that court order.

There are some situations in which a psychologist is legally obligated to take action to protect others from harm, even if that means revealing some information about a patient's treatment. For example, if Dr. Underbrink believes that a vulnerable person (i.e., child, elderly person, or disabled person) is being abused or has been abused, Dr. Underbrink may be required to make a report to the appropriate state agency. If this situation arises, Dr. Underbrink will attempt to discuss this with you prior to any contact with state agencies, unless otherwise indicated for safety reasons.

If Dr. Underbrink believes that a patient is threatening serious bodily harm to another, it may be required to take protective actions. These actions may include notifying the potential victim, contacting the police, or seeking hospitalization for the patient. If the patient threatens to harm himself/herself, Dr. Underbrink may be obligated to seek hospitalization for him/her or to contact family members or others who can help provide protection. If a similar situation occurs in the course of our work together, Dr. Underbrink will attempt to fully discuss it with you before taking any action.

It is often standard practice to consult with other professionals about certain cases or treatments. During a consultation, Dr. Underbrink will make every effort to avoid revealing the identity of my patient by limiting any identifying information. The consultant is also legally bound to keep the information confidential. Ordinarily, you will not be informed about these consultations unless it is believed that it is important to your treatment.

Although this written summary of exceptions to confidentiality is intended to inform you about potential issues that could arise, it is important that other questions or concerns that you may have be discussed. Dr. Underbrink will be happy to discuss these issues with you and provide clarification when possible. However, if you need specific clarification or advice Dr. Underbrink is unable to provide, formal legal advice may be needed, as the laws governing confidentiality are quite complex and Dr. Underbrink is not an attorney. [If you request, you will be provided with relevant portions or summaries of the state laws regarding these issues.]

#### **PARENT AUTHORIZATION SPECIFIC TO TREATMENT OF MINOR:**

##### **GENERAL PRIVACY POLICY**

It is typically PTG procedure to involve parents as much as possible, within reason and clinical judgement, in order to provide most consistent and collaborative treatment. This is particularly true for younger children. If necessary and indicated, clinician will provide family and/or parent sessions in order to provide parents (guardians) with tools to assist in treatment. At times clinician will conduct treatment simultaneously, to provide parents the opportunity to observe and learn treatment components. In other cases, clinician will meet primarily with child/teen, indicating importance of the below privacy policy. Please be aware, however, that, at all times, my patient is your child – not the parents/guardians nor any siblings or other family members of the child. It is, however, your right as parent to terminate therapy at any time. If either parent decides that treatment should end, Dr. Underbrink will honor that decision, unless there are extraordinary circumstances (i.e., risk of harm) in which case other courses of action will be discussed/taken. However, in most cases, it is policy for PTG to request the option of having a few closing sessions with your child to appropriately end the treatment relationship.

##### **CUSTODY/ PARENT AGREEMENT**

In order to authorize mental health treatment for your child, you must have either sole or joint legal custody of your child. If you are separated or divorced from the other parent of your child, please notify me within intake paperwork. Dr. Underbrink will ask you to provide a copy of the most recent custody decree that establishes custody rights of you and the other parent or otherwise demonstrates that you have the right to authorize treatment for your child.

If you are separated or divorced from the child's other parent, please be aware that it may be indicated for me to notify the other parent that Dr. Underbrink is meeting with your child. It is important that all parents have the right to know, unless there are truly exceptional circumstances, that their child is receiving mental health evaluation or treatment. It is also often very important to involve parents in mental health care, depending on the age of the child. As such, frequent parent involvement is typically necessary.

##### **MANDATORY DISCLOSURE**

In some situations, psychologists are required by law or by the guidelines of this profession to disclose information, whether or not your or your child's permission has been granted. In these circumstances, this disclosure may discuss with you and/or your child prior to reporting, if indicated. Below are some of these situations:

Confidentiality **cannot be maintained** when:

- Patient discloses they plan to cause serious harm or death to themselves, and Dr. Underbrink believes they have the intent and ability to carry out this threat in the very near future. Dr. Underbrink must take steps to inform a parent or guardian or others of what the child has disclosed and how serious this threat is believed to be and to try to prevent the occurrence of such harm.
- Patient discloses they plan to cause serious harm or death to someone else, and they are believed to have the intent and ability to carry out this threat in the very near future. In this situation, Dr. Underbrink must inform a parent or guardian or others, and may be required to inform the person who is the target of the threatened harm [and the police].
- Patient is doing something that could cause serious harm to them or someone else, even if they do not intend to harm themselves or another person. In these situations, Dr. Underbrink will need to use professional judgment to decide whether a parent or guardian should be informed.
- Patient discloses, or Dr. Underbrink otherwise learns that, it appears that a child is being neglected or abused--physically, sexually or emotionally--or that it appears that they have been neglected or abused in the past. In this situation, Dr. Underbrink may be required by law to report the alleged abuse to the appropriate state child-protective agency.
- Dr. Underbrink is ordered by a court to disclose information.

### **DISCLOSURE TO PARENTS**

Therapy is most effective when a trusting relationship exists between the psychologist and the patient. Privacy is especially important in earning and keeping that trust. As a result, it is important for children to have a "zone of privacy" where children feel free to discuss personal matters without fear that their thoughts and feelings will be immediately communicated to their parents. This is particularly true for adolescents who are naturally developing a greater sense of independence and autonomy.

It is PTG policy to provide you with general information about your child's treatment, but NOT to share specific information your child has disclosed to me without your child's agreement. This may include activities and behavior that you would not approve of — or might be upset by — but that do not put your child at risk of serious and immediate harm. However, if your child's risk-taking behavior becomes more serious, then Dr. Underbrink will need to use my professional judgment to decide whether your child is in serious and immediate danger of harm. If Dr. Underbrink feels that your child is in such danger, this will be communicated to you. If you have concerns about the limits of confidentiality or further questions about what may or may not be disclosed, please feel free to reach out to clinician for more information.

There may be circumstances when certain situations in your child's life are important for you to know. In these situations your child will be encouraged and supported in discussing this with you. Parent sessions are also often helpful, in which Dr. Underbrink may describe your child's current symptoms in general terms, without specific, to assist you in parenting while still maintaining confidentiality. Additionally, if the treatment is for suicide prevention, chemical addiction or dependency, or sexual, physical or emotional abuse, the law provides that parents may not access their child's records.

#### **DISCLOSURE OF MINOR'S TREATMENT RECORDS TO PARENTS**

Although the laws of Texas may give parents the right to see any written records kept pertaining to your child's treatment, by signing this agreement, you are agreeing that your child or teen should have a "zone of privacy" in their sessions with Dr. Underbrink, and you agree not to request access to your child's written treatment records, unless written as a specific summary needed for alternative reasons (i.e., school accommodations). Again, these standard psychology policies are intended to maintain an effective and collaborative treatment environment to benefit your child; should a need to disclose treatment summary or plans arise, clinician will do so.

#### Parent/Guardian Agreement Not to Use Minor's Therapy Information/Records in Custody Litigation

When a family is in conflict, particularly conflict due to parental separation or divorce, it is very difficult for everyone, particularly for children. Although clinician responsibility to your child may require helping to address conflicts between the child's parents, Dr. Underbrink's role will be strictly limited to providing treatment to your child. You agree that in any child custody/visitation proceedings, neither of you will seek to subpoena records or to testify in court, whether in person or by affidavit, or to provide letters or documentation expressing Dr. Underbrink's opinion about parental fitness or custody/visitation arrangements.

Please note that your agreement may not prevent a judge from requiring Dr. Underbrink's testimony, even though this will not be given unless ill legally compelled. If required to testify, Dr. Underbrink will be ethically bound not to give my opinion about either parent's custody, visitation suitability, or fitness. If the court appoints a custody evaluator, guardian ad litem, or parenting coordinator, Dr. Underbrink will provide information as needed, if appropriate releases are signed or a court order is provided, but will not make any recommendation about the final decision(s). Furthermore, if Dr. Underbrink is required to appear as a witness or to otherwise perform work related to any legal matter, the party responsible for my participation agrees to reimburse at the hourly rate for time spent traveling, speaking with attorneys, reviewing and preparing documents, testifying, being in attendance, and any other case-related costs.