

Child Abuse Investigations

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...Therapists and counselors are generally aware of their child abuse reporting duties. But, situations can occur that may raise issues concerning the duty of a counselor or therapist to maintain confidentiality once a mandatory report is made. Suppose, for example, that a client or patient tells a counselor or therapist about conduct that requires the practitioner to report child abuse. Further suppose that the practitioner makes the child abuse report in accordance with the requirements of state law. A few days later, an investigator shows up at the practitioner's office and wants to talk with the practitioner about the client or patient. Should the practitioner cooperate? Must the practitioner cooperate?

The answer to these questions depends upon the provisions of state law. One state's law, for example, allows the practitioner to cooperate with investigators – but does not require cooperation. After specifying the required contents of a child abuse report, that state law says that information relevant to the incident of child abuse or neglect may be given to an investigator from an agency that is investigating the known or suspected case of child abuse or neglect. Thus, if the practitioner is treating the alleged abuser, it would generally be wise for the practitioner to refuse to cooperate with the investigator by maintaining confidentiality. Of course, the practitioner can talk with the investigator if there is a signed authorization from the patient allowing the practitioner to cooperate.

A somewhat different case is presented if the therapist or counselor is treating the victim of the alleged child abuse. Once the required report is made, the investigator, as in the example above, may seek additional information from the practitioner. In this case, the practitioner may be more willing to cooperate with the investigator and would, in the state referred to, be permitted to do so. If the law allows cooperation, the practitioner would not be required to seek written authorization. However, a good habit is to seek a written and signed authorization whenever confidential information about the patient is sought by a third party – even if the third party is an investigator from a governmental agency charged with the duty to investigate child abuse reports. Check out the law in your state regarding your right or duty to cooperate with investigators following the required report of child abuse.

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