

Sample Letters and Forms

Child Psychotherapist Privilege

December 16, 2022

[Date]

To: [ass't attorney general], for OCS
[parent attorney], for [parent]
[parent attorney], for [parent]
[tribal attorney or ICWA worker], for [tribe]

Re: [case name], Case number [XX]

Dear Colleagues,

I am the Guardian ad litem for the child referenced above. This letter is to notify you that pursuant to CINA Rule 9(b)(3)(B), I am asserting the psychotherapist/patient privilege on behalf of the child. This privilege prevents the Office of Children's Services and the child's treatment providers from disclosing the child's mental health treatment records or other information about the child's treatment.

Please contact me at [XX] if you have any questions.

Sincerely,

[you]
Guardian ad Litem

cc: [primary caseworker], OCS
[child's treatment provider – make sure they know not to disclose records!]

CINA RULE 9(b) NOTICE
(CHILD 12 or OLDER)

To: _____

From: _____

Date: _____

Re: _____

- The child asserts the Psychotherapist/Patient Privilege.
- The child waives the Psychotherapist/Patient Privilege.
- The child waives the Psychotherapist/Patient Privilege regarding the following:

<u>Child</u>	<u>Date</u>	<u>Guardian ad litem</u>	<u>Date</u>

[Sample Discovery Response]

PRODUCTION REQUESTS

1. Please produce records of mental health counseling, substance abuse treatment, psychiatric treatment, or psychiatric medication management for the children since October 2021.

Response:

Objection. Calls for information protected by the psychotherapist-patient privilege.

[Or for a limited waiver situation:]

Response:

The GAL/the child authorizes a limited waiver of the child's psychotherapist-patient privilege regarding the attached neuropsychological evaluation by Dr. XX, dated December 31, 2021. The GAL/the child objects to the remainder of this request on the grounds that the information sought is protected by the child's psychotherapist-patient privilege.