

**IC 25-23.6-6**

**Chapter 6. Social Workers; Privileged Communications**

**IC 25-23.6-6-1**

**Matters related in official capacity; exceptions to privilege**

Sec. 1. Matters communicated to a counselor in the counselor's official capacity by a client are privileged information and may not be disclosed by the counselor to any person, except under the following circumstances:

- (1) In a criminal proceeding involving a homicide if the disclosure relates directly to the fact or immediate circumstances of the homicide.
- (2) If the communication reveals the contemplation or commission of a crime or a serious harmful act.
- (3) If:
  - (A) the client is an unemancipated minor or an adult adjudicated to be incompetent; and
  - (B) the information communicated to the counselor indicates the client was the victim of abuse or a crime.
- (4) In a proceeding to determine mental competency, or a proceeding in which a defense of mental incompetency is raised.
- (5) In a civil or criminal malpractice action against the counselor.
- (6) If the counselor has the express consent of:
  - (A) the client; or
  - (B) in the case of a client's death or disability, the express consent of the client's legal representative.
- (7) To a physician if the physician is licensed under IC 25-22.5 and has established a physician-patient relationship with the client.
- (8) Circumstances under which privileged communication is abrogated under Indiana law.

*As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.57.*