

CONFIDENTIALITY LAWS

Summary:

Partial Privilege: 35 states & territories

Absolute Privilege: 7 states & territories

No Privilege: 12 states & territories

In-camera review prohibited: 9 states

		<u>Statutory Exception:</u>						<u>Holder of Privilege:</u>	
State	Type of Privilege	In-camera review	No Statutory Exceptions	Physical, mental, or emotional condition is used as claim or defense	Victim brings suit of malpractice against counselor or organization	Perjured Statement	Other Exceptions	Only victim/client	Victim/client & others
Alabama	Partial	Yes			●		●	●	
Alaska	Partial	Yes		●			●		●
Arizona	Partial	Yes				●	●	●	
Arkansas	None								
California	Partial	Yes	●						●
Colorado	Absolute	No	●					●	
Connecticut	Partial	Yes				●	●	●	
Delaware	None								
District of Columbia	Partial	Yes		●	●		●		●
Florida	Partial	Yes	●						●
Georgia	None								
Guam	None								
Hawaii	Partial	Yes		●	●	●	●		●
Idaho	None								
Illinois	Partial	No					●		●
Indiana	Absolute	No			●		●	●	
Iowa	Partial	Yes				●	●	●	
Kansas	Partial						●		

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Kentucky	Partial	Yes		●			●		●
Louisiana	Partial	Yes		●	●		●		●
Maine	Partial	Yes					●	●	
Maryland	Partial			●	●		●		●
Massachusetts	Partial	Yes	●					●	
Michigan	Partial	Yes					●	●	
Minnesota	Partial	Yes					●	●	
Mississippi	None								
Missouri	Absolute		●					●	
Montana	Absolute	No					●	●	
Nebraska	Partial	Yes			●		●	●	
Nevada	Partial						●		●
New Hampshire	Partial	Yes				●	●		●
New Jersey	Absolute	No					●		●
New Mexico	Partial				●		●		●
New York	Partial	Yes			●		●		●
North Carolina	Partial	Yes					●	●	
North Dakota	Partial	Yes					●	●	
Ohio	None								
Oklahoma	Partial	Yes					●		●
Oregon	None								
Pennsylvania	Partial	No					●	●	

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Puerto Rico	Absolute	Yes			●			●	
Rhode Island	None								
South Carolina	None								
South Dakota	None								
Tennessee	Partial	Yes	●					●	
Texas	Partial				●		●		●
Utah	Partial	No					●		●
Vermont	Absolute	No	●						●
Virgin Islands	None								
Virginia	Partial	Yes					●		●
Washington	Partial	Yes					●	●	
West Virginia	Partial	Yes					●	●	
Wisconsin	Partial						●		●
Wyoming	Partial	No					●	●	

There is an **exception to privilege** in any proceeding in which the client's mental, physical or emotional condition is used as an element of the claim or defense. In this case, the court may order an examination of the condition of the client, which may require access to otherwise privileged information.

Applicable in whole or in part in the following states:

- Alaska
- District of Columbia
- Hawaii
- Kentucky
- Louisiana

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Other common exceptions to privilege:

- Disclosure to protect the client or another individual from a substantial risk of imminent and serious physical injury
- Mandatory reporting of suspected child abuse or neglect and adult child abuse or neglect
- Client is about to commit a crime
- Service of the victim advocate or counselor were sought in order to aid any person to commit or plan to commit what the client knows or reasonably should have known is a crime or fraud