

2 **SHB 1260** - S COMM AMD

3 By Committee on Human Services & Corrections

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 18.19 RCW
8 to read as follows:

9 Written and oral confidential communications between a client and
10 an individual certified under this chapter are privileged against
11 compulsory disclosure to the same extent and subject to the same
12 conditions and exceptions as confidential communications between a
13 psychologist and client. No privilege may be asserted against a parent
14 or guardian seeking to obtain oral or written confidential
15 communications between an individual certified under this chapter and
16 a client who is a minor. A minor is any person under the age of
17 eighteen. If a minor is old enough to consent to counseling, and
18 parental consent is not required, a parent or guardian can seek a court
19 order compelling disclosure of confidential communications. Upon
20 motion or petition by a parent or guardian of a minor who is able to
21 consent to counseling, a court may compel the minor's counselor
22 certified under this chapter to disclose written or oral confidential
23 communications with the minor, unless the minor is in counseling for
24 alleged physical or sexual abuse by the parent or guardian requesting
25 the court to compel the disclosure.

26 **Sec. 2.** RCW 18.19.180 and 1991 c 3 s 33 are each amended to read
27 as follows:

28 An individual registered (~~(or certified)~~) under this chapter shall
29 not disclose the written acknowledgment of the disclosure statement
30 pursuant to RCW 18.19.060 nor any information acquired from persons
31 consulting the individual in a professional capacity when that
32 information was necessary to enable the individual to render
33 professional services to those persons except:

34 (1) With the written consent of that person or, in the case of
35 death or disability, the person's personal representative, other person

1 authorized to sue, or the beneficiary of an insurance policy on the
2 person's life, health, or physical condition;

3 (2) That (~~a person~~) an individual registered (~~or certified~~)
4 under this chapter is not required to treat as confidential a
5 communication that reveals the contemplation or commission of a crime
6 or harmful act;

7 (3) If the person is a minor, and the information acquired by the
8 (~~person~~) individual registered (~~or certified~~) under this chapter
9 indicates that the minor was the victim or subject of a crime, the
10 (~~person~~) individual registered (~~or certified~~) may testify fully
11 upon any examination, trial, or other proceeding in which the
12 commission of the crime is the subject of the inquiry;

13 (4) If the person waives the privilege by bringing charges against
14 the (~~person~~) individual registered (~~or certified~~) under this
15 chapter;

16 (5) In response to a subpoena from a court of law or the secretary.
17 The secretary may subpoena only records related to a complaint or
18 report under chapter 18.130 RCW; or

19 (6) As required under chapter 26.44 RCW."

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23 On page 1, line 2 of the title, after "clients;" strike the
24 remainder of the title and insert "amending RCW 18.19.180; and adding
25 a new section to chapter 18.19 RCW."

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