

Index No: 97-10, dated November 15, 1997

Applicable to: Clinical interns and staff interviewing children for whom DCFS is legally responsible

Question:

Can clinical psychology interns or staff tape counseling or therapy sessions with children for whom the Department is legally responsible and allow other students and professionals to listen to the video or audio tape for purposes of supervision of the intern or for review within a classroom setting? The video or audio tape will not contain identifying information, the client's name will not be used during the session, and the audio or video tapes will be destroyed after they have been reviewed by the supervisor or in the classroom.

Response:

The Guardian must consent to the release of any information involving a DCFS ward under age 12 and routinely provides such consents for valid therapeutic and diagnostic purposes. The Guardian will not and cannot, according to the Mental Health and Developmental Disabilities Confidentiality Act, consent to the release of confidential information (the video or audiotapes) for educational or training purposes such as viewing within a classroom setting.

If a ward age 12 or over wishes to participate voluntarily in an video or audio taped session, he or she may sign a consent authorizing the taping and permitting it to be heard by trainees or a class for purposes of review. Any such consent form should specifically identify exactly which persons or classes will hear or see the tape, where the tapes will be stored, when these tapes will be heard or seen, who has access to the tapes, when the tapes will be destroyed, the purpose of allowing the tapes to be heard or seen, the right to refuse or revoke such consent, and the consequences (if any) of refusing or revoking consent.

The Guardian should be notified when such requests are made of the ward, so that the Guardian can advise the ward about the risks inherent with the release of such information. If the Guardian is asked to sign a "contingent consent" (contingent upon the ward's consent), the Guardian will do so only if the taping is being done for a valid therapeutic or diagnostic purpose. The Guardian will not consent to taping a ward's therapy session primarily for educational purposes.