I.R.E. 518. Licensed Social Worker-Client Privilege.

Idaho Rules of Evidence Rule 518. Licensed Social Worker-Client Privilege.

(a) Definitions. As used in this rule:

(1) Client. A "client" is the person who is rendered licensed social worker services.

(2) Licensed social worker. A "licensed social worker" is any person licensed to be a licensed certified social worker or a licensed social worker in the State of Idaho pursuant to Title 54, Chapter 32, Idaho Code.

(3) Confidential communication. A communication is "confidential" if not intended to be disclosed to third persons except persons present to further the interest of the client in the consultation or interview, or persons reasonably necessary to the transmission of the communication, or persons who are participating in the rendition of social services to the client under the direction of the licensed social worker, including members of the client's family.

(b) General rule of privilege. A client has a privilege in any civil or criminal action to which the client is a party to refuse to disclose and to prevent any other person from disclosing confidential communications made in the furtherance of the rendition of licensed social services to the client, among the client, the client's licensed social worker, and persons who are participating in the licensed social work under the direction of the licensed social worker, including members of the client's family.

(c) Who may claim the privilege. The privilege may be claimed by the client, or for the client through the client's licensed social worker, lawyer, guardian or conservator, or the personal representative of a deceased client. The authority of the licensed social worker, lawyer, guardian, conservator or personal representative to do so is presumed in the absence of evidence to the contrary.

(d) Exceptions. There is no privilege under this rule:

(1) Contemplation or execution of crime or harmful act. If the communication reveals the contemplation or execution of a crime or harmful act.

(2) Charges against licensee. When the client waives the privilege by bringing charges against the licensee.

(3) Civil action. In a civil action, case or proceeding by one of the parties to the confidential communication against the other.

(4) Proceedings for guardianship, conservatorship or hospitalization. As to a communication relevant to an issue in proceedings for the appointment of a guardian or conservator for a client for mental illness or to hospitalize the client for mental illness.

(5) Child related communications. In a criminal or civil action or proceeding as to a communication relevant to an issue concerning the physical, mental or emotional condition of or injury to a child, or concerning the welfare of a child including, but not limited to the abuse, abandonment or neglect of a child.

(Adopted January 8, 1985, effective July 1, 1985; amended June 15, 1987, effective November 1, 1987.)

Source URL: http://isc.idaho.gov/ire518