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Caught Up in Custody Cases: Disclosures

Situation: The parents of your minor client are in the middle of a contentious separation and custody battle. They alternate bringing your client to therapy sessions. While you aim to be impartial and maintain professional boundaries around the parents' separation, you notice something that makes you concerned about the child's safety during a session with one parent. How should you proceed?

While regulated members may be hesitant to get involved in acrimonious custody proceedings, the well-being, safety, security, and health of the minor take precedence as the priority concern. The *Children First Act* (2019) outlines that service providers may disclose personal information about a child to a guardian of the child if the service provider is of the opinion that the disclosure is in the best interests of the child. Therefore, in situations like the above, the regulated member may disclose their concerns to the other parent. The member also has a duty to report to the authorities, under the *Child, Youth and Family Enhancement Act* (2000), if they have any reasonable or probable grounds to believe that the child needs intervention.

Regulated members should also maintain records about the disclosure of information, i.e., documenting the incident(s) that raised concerns in an objective manner, to whom and when any disclosures were made, and any follow up that occurred.

