

TEXAS STATE
BOARD OF
EXAMINERS OF
PSYCHOLOGISTS

EXECUTIVE DIRECTOR

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March 11, 1992

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The Honorable Dan Morales
Attorney General of the
State of Texas
Office of the Attorney General
Supreme Court Building
Austin, TX 78701

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Opinion Committee

RE: Disclosure of Mental Health Information

Dear Attorney General Morales:

The Texas State Board of Examiners of Psychologists has pending before it a complaint involving a licensee's alleged disclosure of certain privileged mental health information to persons officially involved in, or associated with, court proceedings involving "the parent-child relationship".

The complainant was not a party to the court proceedings but was a live-in girl friend of the natural father of the children and became the step-mother of the children. Complainant voluntarily went to the licensee's office "relative to a child custody dispute...for psychological evaluation" at the request of the licensee, a court appointed psychologist. Complainant reported "There was a Court Order for evaluation of other members of my family but I was not named in the order. Pursuant to this order she was also to write a report and submit to the court."

Complainant alleges, inter alia, that licensee, subsequently and without complainant's consent or authorization, disclosed privileged mental health information, personal to complainant, to parties and attorneys in connection with the child-custody proceedings.

It is the view of this agency that the circumstances as set forth above bring disclosure of privileged information relevant to the parent-child relationship gained by the licensee during the voluntary psychological evaluation of the complainant under the exception regarding disclosure of privileged information as set

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forth in Rule 510(d)(6) of the Texas Civil Rules of Evidence. However, inasmuch as this is a case of first impression to this agency, a formal opinion from your office regarding the issue is hereby requested.

Sincerely,

Patricia S. Tweedy

Patricia S. Tweedy
Executive Director

BEM:bc

cc: Bill E. Morrison, J.D.
Lawrence Schoenfeld, Ph.D., Vice-Chair