

Confidential Communications and the Social Service Agency

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POSTSCRIPTS

Confidential Communications and the Social Service Agency

The Catholic Lawyer, in response to the need to educate attorneys in the field of social service, published an article in its Winter, 1962 issue by Father Anthony F. LoGatto entitled "Privileged Communication and the Social Worker." Father LoGatto is Director of Catholic Charities, Diocese of Brooklyn, Queens County, N. Y., and a priest-lawyer. The article stated in part that:

Social work rests upon relationship between worker and client, and an essential element of this relationship is confidentiality. The worker . . . receives from the client a type of information which a person bares only to a confessor, a physician or a lawyer. . . . People come to social agencies . . . in times of great stress and often at the very end of their emotional rope. . . . The information is often not only against interest but outright incriminating, shaming and searing. . . . The profession, with minor exceptions, enjoys no immunity in the law. It is not protected by the precious right known as privileged communication.

Father LoGatto concluded with a recommendation for corrective legislation. Sparked in part by his suggestion, Bill No. 4505-a was proposed in the New York State Legislature in February of 1963. The bill, in committee as this edition goes to press,

provides for the protection of the confidentiality of communications between clients and accredited private social agencies.

The bill, if passed, would amend the Civil Practice Law and Rules (itself a replacement for the Civil Practice Act, effective in September of 1963), to read as follows:

§ 4505-a. Communication between client and social worker privileged. Unless the client waives the privilege, a social worker of an accredited social service agency, or any person who obtains without the knowledge of the client evidence of a confidential communication made between the social worker and the client, in the course of his employment as a social worker, shall not disclose, or be compelled to disclose such communication, nor shall the client be compelled to disclose such communication in any action, proceeding or hearing conducted by or on behalf of any state, municipal or local governmental agency or by the legislature or any committee or body thereof.

If the proposed bill is passed, it will be the first of its kind in the body of laws of any state in the Union. If it does not pass, there is at least good reason to hope that this vital problem will have been brought to the forefront for merited consideration in the near future.