

# AScribe Newswire

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## **Social Workers Support Client Confidentiality through Friend of the Court Brief; Colorado Social Worker Refuses to Hand Over Confidential Psychotherapy Notes**

WASHINGTON, June 17 [AScribe Newswire] – The National Association of Social Workers, along with other mental health providers in Colorado, filed an amicus curiae brief in support of the stay on the arrest of social worker, Jennifer Bier. She refuses to provide her confidential therapy notes to a military judge. The brief requests that while the matter is being reviewed, Ms. Bier should not be placed in jail or forced to violate her client’s privacy rights.

The coalition representing more than 3,000 mental health providers in Colorado, led by NASW and its Colorado Chapter, charge that potential and existing psychotherapeutic relationships could be impaired or would cease if confidential notes were disclosed.

“This ruling could have dramatic implications for social workers and other mental health professionals,” says Carolyn Polowy, general counsel for NASW. “Clients, particularly those who have suffered from sexual assault and domestic violence, expect that their information will be held in confidence by their therapist.”

Ms. Bier is a civilian clinical social worker, specializing in the treatment of victims of sexual assault. She provided services to a member of the military who accused a fellow member of sexual assault. In preparing for trial, the military judge overseeing the trial has requested to view Ms. Bier’s confidential therapy notes for possible admission as evidence.

Citing the Supreme Court decision *Jaffe v. Redmond*, Ms. Bier argues that the therapist-client relationship is privileged and this confidentiality serves the greater public good. Therefore, she is refusing to turn over her notes. A warrant has been issued for her arrest. On June 16, the Tenth Circuit Federal Appeals Court denied Ms. Bier’s appeal. She will appeal to the Supreme Court.

NASW is concerned that sexual assault victims and others in need of therapy could reconsider their decision to seek help, if they know their clinical notes will not remain private. The hallmark of successful psychotherapy is the establishment of confidentiality and trust between the therapist and client. Without this safeguard, those in most need could possibly retreat from therapy.

NASW joins other mental health providers in filing this brief, including the Colorado Psychological Association, Colorado Psychiatric Society, Colorado Society for Clinical Social

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Work, Colorado Organization for Victim Assistance and Colorado Coalition Against Sexual Assault.

To read the Amicus Curiae Brief, in its entirety, visit [www.socialworkers.org/ldf/brief\\_bank/briefDocuments/BierAmicusBrief\\_\[DN\\_85795\\_1\].PDF](http://www.socialworkers.org/ldf/brief_bank/briefDocuments/BierAmicusBrief_[DN_85795_1].PDF)

The National Association of Social Workers [NASW], in Washington, D.C., is the largest membership organization of professional social workers with 153,000 members. It promotes, develops, and protects the practice of social work and social workers. NASW also seeks to enhance the well-being of individuals, families, and communities through its advocacy.

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