

\_\_\_\_\_

Plaintiff/Counter defendant

vs.

\_\_\_\_\_

Defendant/Counter plaintiff

\* IN THE  
\* CIRCUIT COURT  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No.: \_\_\_\_\_

\*

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**REPORT OF CHILD PRIVILEGE ATTORNEY**

The undersigned was appointed by Order filed on \_\_\_\_\_ in the above-entitled matter as the Child’s Privilege Attorney for the minor child of the parties, \_\_\_\_\_, age 16.

It is the understanding of the undersigned that the only professional relationship to which the issue of assertion or waiver of the privilege of confidentiality pertains is with \_\_\_\_\_, a licensed psychologist.

**CONTEXT OF PROCEEDINGS**

This child access issue in this case arises out of a post divorce case in which the mother of this 16 year old child seeks a modification of the current access schedule. The order appointing a child privilege attorney was entered on the motion filed on behalf of mother to appoint a child privilege attorney and a child advocate. The latter request was denied. The Order appointing the child privilege attorney required that a report of his “findings and opinion” be filed on or before 60 days from the date of the Court Order.

**REVIEW PROCESS**

In arriving at a determination, the undersigned has done the following:

- a. Reviewed the pleadings in the case provided by plaintiff’s counsel;
- b. Spoke on two occasions with the therapist;
- c. Requested, received and reviewed the session notes made by the therapist;
- d. Met with client.

Based on my review of the circumstances, it is clear to me that [the minor child] understood and appreciated that her sessions with the therapist were to be private; that those

sessions gave her the opportunity to speak openly without concern that what she said would be repeated. If the therapist were permitted to testify, I am concerned that [the minor child] would have good reason to distrust any future similar assurance from a therapist. Consequently, [the minor child] would be denied the benefit of therapy in the future, which would clearly not be in her best interest.

In determining whether or not to consent to the waiver of privilege, I also considered the benefit of making information available to the Court concerning the access issues in the above-entitled case. It is apparent to me after speaking with the therapist and reviewing her notes, the information that would be made available does not warrant the negative impact of waiving privilege.

Recognizing that the refusal to waive privilege would increase the likelihood that [the minor child] would be asked to testify (presumably in Chambers), based on my discussions with her I believe that she is willing and able to do so. Consequently, the information that would otherwise be elicited from the therapist could be brought to the Court's attention through the 16 year old minor child, making it even less necessary or compelling to waive privilege, thereby avoiding the consequent harm to the current therapeutic relationship or any future therapy.

### **CONCLUSION**

For those reasons stated, the undersigned, in his capacity as the child privilege attorney, does not waive privilege.

Respectfully submitted,  
LAW OFFICES OF LEON W. BERG, P.A.

BY: \_\_\_\_\_

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**[CERTIFICATE OF SERVICE]**