

CHAPTER 14-07.3
MINORS' COUNSELING INFORMATION PRIVACY

14-07.3-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Counseling center" means a domestic violence organization as defined in section 14-07.1-01.
2. "Private information" means any information disclosed by a minor to a counselor, employee, or volunteer at a counseling center in the course of counseling or treatment of the minor.

14-07.3-02. Confidentiality of information concerning a minor.

Except as provided in section 14-07.3-03, a counseling center may not disclose private information concerning a minor to the parent, guardian, or custodian of the minor unless the minor authorizes the counseling center to disclose the information or the disclosure of the information is necessary for a party reasonably believed to be in need of protection.

14-07.3-03. Access procedures for parents.

The counseling center shall establish procedures to provide access by a parent, guardian, or custodian of a minor to private information concerning the minor, subject to the following:

1. The counseling center may deny parental access to private information when the minor, who is the subject of that information, requests that the counseling center deny the access. The counseling center shall provide the minors who seek counseling, treatment, or other assistance from the center with a notification that the minor has the right to request that parental access to private information be denied. The counseling center may require the minor submit a written request that the access be denied. The written request must set forth the reasons for denying parental access and must be signed by the minor.
2. Upon receipt of the request, the counseling center shall determine if honoring the request to deny parental access would be in the best interest of the minor. In making the determination, the counseling center shall consider the following:
 - a. Whether the minor is of sufficient age and maturity to be able to explain the reasons for and to understand the consequences of the request to deny access.
 - b. Whether the personal situation of the minor is such that denying parental access may protect the minor from physical or emotional harm.
 - c. Whether there is a basis for believing that the minor's reasons for denying parental access are reasonably accurate.
 - d. Whether the private information in question is of a nature that disclosure of the information to a parent could lead to physical or emotional harm to the minor.
 - e. Whether the private information concerns medical, dental, or other health needs of the minor and if so, the information may be released only if failure to inform the parent would seriously jeopardize the health of the minor.