



Biblical Counseling & Confidentiality

Introduction

- What do you do when . . .
- We have accepted, uncritically, the idea of absolute confidentiality.
- We need to explore, the whole issue of confidentiality in counseling.”

I. The Biblical Understanding Of Confidentiality

A. Why even promise “absolute” or “strict” confidentiality?

- 2. The *Catechism of the Catholic Church*, published in 1995, deals with confidentiality as it discusses the sacrament of penance.

“Given the delicacy and greatness of this ministry and the respect due to persons, the Church declares that every priest who hears confessions is bound under very severe penalties to *keep absolute secrecy* regarding the sins that his penitents have confessed to him. He can make no use of knowledge that confession gives him about penitents’ lives. This secret, *which admits of no exceptions* is called

the 'sacramental seal,' because what the penitent has made known to the priest remains 'sealed' by the sacrament."¹

*"The secret of the sacrament of reconciliation is sacred, and cannot be violated under any pretext. 'The sacramental seal is inviolable; therefore, it is a crime for a confessor in any way to betray a penitent by word or in any other manner or for any reason.'"*²

B. Biblical confidentiality must take into account church discipline (Matthew 18.15-20).

1. Jesus requires a gradual loss of confidentiality in light of stubbornness.
2. Unbiblical consequences follow from embracing absolute confidentiality.
3. It often requires making a "hasty vow."³
4. Important note: It is NOT the struggle against sin that breaks confidentiality, but rather

C. Biblical confidentiality must take into account the ethic of love & justice (Romans 13.8-10; Ezekiel 34.1-10).

¹ *Catechism of the Catholic Church* (New York: Image Book by Doubleday, 1995), Part Two, Section Two, Chapter Two, Article 4, VIII (**1467**), emphasis mine.

² *Ibid.*, Part Three, Section Two, Chapter One, Article 8, IV (**2490**), first italicized statement in the document, but the following italicized words are my emphasis.

³ Adams, p. 31.

D. Nevertheless, confidentiality DOES exist and MUST be a part of your counseling ministry (cf. Matthew 18.15ff.).

1. Jesus commands confidentiality.
2. Confidentiality is assumed even as the circle widens.
3. What do you do when someone asks for absolute confidentiality?

II. A LEGAL UNDERSTANDING OF CONFIDENTIALITY

A. Most states require “conditional” confidentiality

1. States require reporting certain criminal acts divulged in counseling sessions or if you suspect they are occurring.
2. Some states require that you surrender counseling records if the court subpoenas them.

B. You must take into account the biblical command to submit to governing authorities (Romans 13.1ff; 1 Peter 2.13ff.).

C. Submission to Christ can help you sort through the legal ramifications.

1. A “libertarian” streak cannot control your counseling ministry.
2. Fear cannot control your counseling ministry.

D. Presently, the key to legal challenges is “informed consent.”

1. Definition: “The caregiver has a duty to disclose fairly the scope and nature of the care provided and the alternative modes of care so that the person seeking care can make an informed voluntary decision”⁴
2. Clearly communicate your view of confidentiality in written form.
 - LEAD Biblical Counseling Ministry Welcome Form (see Kellemen, p.317, 402).
 - LaRue Baptist Church’s *Policy Statement on Confidentiality* in PDI (see handout).
3. Clearly explain your policy and require the counselee’s signature.
4. Chilling effect?

CONCLUSION

- A. You must have a clear, settled understanding of biblically-defined confidentiality.
- B. You must understand the reporting requirements of your state.
- C. You must communicate clearly that you will abide by the legal standards and biblical standards of confidentiality.

⁴ *Ibid.*, p. 310.