

# Privileged Communication

Session Materials

In a general sense, this term refers to an exchange of information (a discussion), between two people who (i) have some kind of relationship in which private communications are protected by law, and (ii) intend the information thus exchanged to be kept confidential. In law, certain relationships are recognized as confidential and protected.

Attorney - Client Privileges: Requires a formal relationship and does not apply to future crimes.

Church Clergy - Penitent Privileges: Must be a bonifide religion and includes all denominations. There does not have to be a formal relationship between each.

Spouse or Domestic Partner Privileges: Does not apply when a crime is committed by one against the other spouse or a common child. This type of privileged communication does not protect communication made when marriage follows the filing of charges. Nor does dissolution of a marriage change the rules.

**How does the state of Washington define a domestic partnership?**

- Share a common residence
- Both be at least 18 years of age
- Not be nearer kin than second cousin
- Not be a sibling, grandchild, aunt, uncle, niece or nephew to the other partner, and
- Either be:
  - Of the same sex, or
  - At least one partner must be at least 62 years of age.

Physician / Nurse Surgeon - Patient Privileges: Applies only to these named professionals. Exceptions are legislated for acts of sexual or physical abuse, or for violent crime victims (details only the occurrence and location).

Psychologist - Patient Privileges: Exception exists wherein the Doctor is made aware of a child abuse situation (same limits as previously defined for medical care givers).

Police Officer - Sanctioned Peer Support Privileges: Applies to Washington Courts only (no federal protection given). Must be a recognized peer support process

Other protected classes include:

- Counselors
- Interpreters in legal matters
- Journalists

