

# The Write Stuff...

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Risk management is a funny thing. Being mindful of things that can get you in trouble seems to be straight forward, and is, to some extent, a matter of common sense. Still, although I have written about common pitfalls in previous articles, I continue to see social workers making the same errors.

Chief among these is the propensity to write things – letters, memoranda, affidavits – to “help out” a client. When you help a client outside of the therapy room, you are often doing so at some one else’s expense.

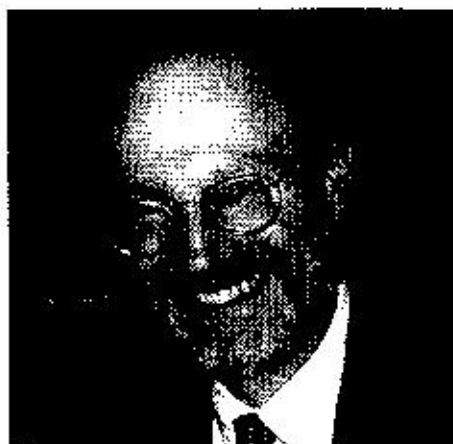
If you write a letter supporting a father in a divorce case, the mother has a reason to attack you. If you write a letter for a client in a personal injury lawsuit, the defendant has reason to go after you. Before you write something for a client, ask yourself this question: “Does my client want my document for use in a dispute with someone else?” The answer is almost always yes. Once you become involved in someone else’s dispute, you become a target.

A social worker’s motivation to help a client is understandable. But in an effort to be helpful, a social worker often forgets that she does not and cannot know if what a client says is true. A social worker knows only what a client says within the four walls of the social worker’s office and there is no way to know if the information is distorted or whether there is another legitimate point of view.

Knowing the “truth” may not be important for therapy but it becomes important if the social worker prepares a written document based on the assumption the information is true.

### **THE POWER TO PROSECUTE:**

A social worker is treating a twelve year old child. The father, who has sole legal custody, calls and asks for a memorandum



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summarizing treatment. The social worker complies. So? The Board of Registration of Social Workers has prosecuted several social workers in similar cases because the social worker did not get the father’s request *in writing*, even though the father did not complain.

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The requirement that a social worker obtain a client’s written consent to disclose mental health information about the client (here the client’s father) accomplishes two objectives. First, written consent protects and benefits the client, as it assures confidential information will not be disclosed without his knowledge or permission. Here, the father is the beneficiary of his own request for the memorandum and he was not harmed by the absence of a written request for the memorandum. Second, written consent provides risk management for a social worker in a case where a client makes an oral request and later disavows having done so.

The Board favors professional discipline over education in these types of cases and prosecutes social workers who err in this manner. ❖