

Act No. 101  
Public Act of 1989  
June 27, 1989  
Filed by the Secretary of State  
June 27, 1989

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1989**

Introduced by Rep. Gubow

# **ENROLLED HOUSE BILL No. 4446**

AN ACT to amend section 1610 of Act No. 299 of the Public Acts of 1980, entitled "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of the department of licensing and regulation and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; and to repeal certain acts and parts of acts," being section 339.1610 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 1610 of Act No. 299 of the Public Acts of 1980, being section 339.1610 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 1610. (1) A person registered as a certified social worker, social worker, or social work technician or an employee or officer of an agency for whom the certified social worker, social worker, or social work technician is employed shall not be required to disclose a communication or a portion of a communication made by a client to the person or advice given in the course of professional employment.

(2) Except as otherwise provided in this section, a communication between a certified social worker, social worker, or social work technician, or an agency of which the certified social worker, social worker, or social work technician is an agent and a person counseled is confidential. This privilege is not subject to waiver except when the disclosure is part of the required supervisory process within the agency for which the certified social worker, social worker, or social work technician is employed; or except where so waived by the client or a person authorized to act in the client's behalf. The certified social worker, social worker, or social work technician shall submit to the appropriate court a written evaluation of the prospect or prognosis of a particular case without divulging a fact or revealing a confidential disclosure when requested by a court for a court action. An attorney representing a client who is the subject of an evaluation shall have the right to receive a copy of the report. If required for the exercise of a public purpose by a legislative committee, the certified social worker, social worker, social work technician, or agency representative may make available statistical and program information without violating the confidentiality of the client.

(3) A certified social worker, social worker, or social work technician may disclose a communication or a portion of a communication made by a client pursuant to section 946 of the mental health code, Act No. 258 of the Public Acts of 1974, being section 330.1946 of the Michigan Compiled Laws, in order to comply with the duty set forth in that section.

Section 2. This amendatory act shall take effect September 1, 1989.

Section 3. This amendatory act shall not take effect unless House Bill No. 4237 of the 85th Legislature is enacted into law.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved .....

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Governor.