

(B) UNLESS OTHERWISE PROVIDED, IN ALL JUDICIAL OR ADMINISTRATIVE PROCEEDINGS, A CLIENT HAS A PRIVILEGE TO REFUSE TO DISCLOSE, AND TO PREVENT A WITNESS FROM DISCLOSING, COMMUNICATIONS MADE WHILE THE CLIENT WAS RECEIVING COUNSELING.

(C) IF A CLIENT IS INCOMPETENT TO ASSERT OR WAIVE THIS PRIVILEGE, A GUARDIAN SHALL BE APPOINTED AND SHALL ACT FOR THE CLIENT. A PREVIOUSLY APPOINTED GUARDIAN HAS THE SAME AUTHORITY.

(D) THERE IS NO PRIVILEGE IF:

(1) A DISCLOSURE IS NECESSARY FOR THE PURPOSE OF PLACING THE CLIENT IN A FACILITY FOR MENTAL ILLNESS;

(2) A JUDGE FINDS THAT THE CLIENT, AFTER BEING INFORMED THERE WILL BE NO PRIVILEGE, MAKES COMMUNICATIONS IN THE COURSE OF AN EXAMINATION ORDERED BY THE COURT;

(3) IN A CIVIL OR CRIMINAL PROCEEDING:

(I) THE CLIENT INTRODUCES THE CLIENT'S MENTAL CONDITION AS AN ELEMENT OF THE CLAIM OR DEFENSE; OR

(II) AFTER THE CLIENT'S DEATH, THE CLIENT'S MENTAL CONDITION IS INTRODUCED BY ANY PARTY CLAIMING OR DEFENDING THROUGH OR AS A BENEFICIARY OF THE CLIENT;

(4) THE CLIENT OR THE PERSONAL REPRESENTATIVE OF THE CLIENT MAKES A CLAIM AGAINST THE LICENSED CERTIFIED SOCIAL WORKER FOR MALPRACTICE; OR

(5) THE CLIENT EXPRESSLY CONSENTS TO WAIVE THE PRIVILEGE, OR IN THE CASE OF DEATH OR DISABILITY, THE CLIENT'S PERSONAL REPRESENTATIVE WAIVES THE PRIVILEGE FOR PURPOSE OF MAKING A CLAIM OR BRINGING SUIT ON A POLICY OF INSURANCE ON LIFE, HEALTH, OR PHYSICAL CONDITION.

(E) THERE IS NO PRIVILEGE IN:

(1) ANY ADMINISTRATIVE OR JUDICIAL NONDELINQUENT JUVENILE PROCEEDING;

(2) ANY GUARDIANSHIP AND ADOPTION PROCEEDING INITIATED BY A CHILD PLACEMENT AGENCY;

(3) ANY GUARDIANSHIP AND PROTECTIVE SERVICES PROCEEDING CONCERNING DISABLED PERSONS; OR

(4) ANY CRIMINAL OR DELINQUENCY PROCEEDING IN WHICH THERE IS A CHARGE OF CHILD ABUSE OR NEGLECT OR WHICH ARISES OUT OF AN INVESTIGATION OF SUSPECTED CHILD ABUSE OR NEGLECT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1983.