

# 6.0 Treatment Contract and Confidentiality

Effective supervision and treatment of offenders is dependent upon open communication among the Multi-Disciplinary Treatment Team (MTT) members. Communication and collaboration among MTT members are required as part of domestic violence offender treatment. Confidentiality in domestic violence offender treatment differs from traditional therapy settings due to the justice involvement and supervision setting.<sup>1</sup> For purposes of evaluation, treatment, supervision and case management, individuals who have committed domestic violence related offenses must agree to the terms of the treatment contract and releases of confidentiality in order to participate in treatment. For information regarding victim confidentiality refer to *Standard 7.05*.

**6.01** An Approved Provider shall notify clients of the limits of confidentiality imposed on mental health professionals by mandatory reporting law § 19-3-304, C.R.S. and § 13-21-117, C.R.S. as well as any necessary disclosures related to Extreme Risk Protection Orders (ERPO) pursuant to § Section 13-14.5-104, C.R.S.

## **6.02 Treatment Contract Requirements**

- I. The Treatment Contract is the signed treatment agreement between the Approved Provider and the client that specifies the responsibilities and expectations of the client AND the Approved Provider.
- II. The provider shall have a written and signed contract with each client prior to the commencement of treatment. The contract shall define the specific responsibilities of both the provider and the client. A client's failure to comply with the terms of the contract may result in discharge from treatment. The provider's responsibility is to practice within their professional standards as defined in the Colorado Mental Health Practice Act and in the Standards and Guidelines established by the DVOMB. A provider's failure to comply with the terms of the contract may result in a complaint with the Colorado Department of regulatory agencies or the DVOMB.
  - A. The contract shall explain the responsibility of the provider to:

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<sup>1</sup> In accordance with the §12-43-218, C.R.S., Approved Providers shall safeguard the confidentiality of offender information from those for whom waivers of confidentiality have not been obtained.

1. provide the costs of assessment, evaluation, treatment, and a sliding scale based on eligibility;
  2. notify the client in writing of the limits of confidentiality imposed on therapists by the mandatory reporting law, Section 19-3-304, C.R.S. and to Section 1243-219, C.R.S.;
  3. Describe the Releases of information required to share and receive information about the client as part of the treatment process pursuant to THIS SECTION of these Standards and Guidelines;
  4. Describe the client's right to refuse treatment, release of information, or any other treatment related document. refusal can result in failure to be admitted into treatment which could be a violation of the sentencing requirement or parole agreement;
  5. Describe how progress in treatment is measured regarding the duration, intensity, and methods;
  6. Describe the importance of how following any required orders of the court or parole board, or conditions of any community corrections placement is a requirement of treatment;
  7. Establish expectations for the client to meet the requirements of the treatment contract, the potential outcomes to the client for failing to comply with the treatment contract, and possible reasons why a client can be terminated from treatment;
  8. provide information on crisis response and 24-hour emergency services;
  9. provide the procedures for how to file a complaint should the client have concerns regarding the approved provider or their services;
  10. inform the client of the parameters of teletherapy and have a signed agreement by the client in accordance with standard 5.04 and appendix I, if applicable;
  11. request any prior treatment or medical records as needed and relevant to assessing the client for treatment purposes.
  12. Notify the MTT of violations or noncompliance by the client and provide notice to law enforcement and/or courts, when appropriate.
- B. It is considered to be best practice for the Approved Provider to explain:
1. Potential costs associated with any recommended adjunct services as needed, including but not limited to medical, behavioral health, psychological tests, and other consultations;
  2. The steps and potential consequences for individuals who are

removed from group or individual services;

3. The process for how violations of the Treatment Contract or noncompliance with the Treatment Plan are addressed and may lead to termination from treatment.

C. The contract shall explain the responsibility of the client to:

1. Meet financial responsibilities and Pay for the costs of current and prior assessment and treatment and include potential outcomes for any failure to pay. The client may also be required to pay for the costs of treatment for the victim(s) of the client's abusive behavior, as well as secondary victims such as family members;
2. Sign releases of information as required by these standards Including but not limited to: Supervising officer/referring agent, treatment victim advocate, and any other release of information requested by DVOMB Treatment Provider or Evaluator.
3. Disclose any prior treatment including domestic violence offender treatment and agree to a release of information to obtain prior evaluation and treatment records;
4. Not use any substance illegally or in a way that impedes with treatment goals or interferes with the client's motivation, engagement, or compliance with supervision or treatment requirements;

*Discussion Point: Approved Providers are encouraged to follow the ethical code for mental health and substance use professionals when assessing for issues. If there are clinical indicators that a client's active use or misuse of any substance, including a medical use of thc, is interfering with treatment, the mtt should document those concerns and notify the presiding court. approved providers may recommend substance use treatment at any time during the course of treatment and ultimately may choose to not offer treatment due to a client's active use or misuse of any substance regardless if there is a court order allowing for the client to use.*

5. Attend and participate in Domestic Violence offender treatment, including cooperating with monitored sobriety and attendance requirements as directed in the *Standards and Guidelines*;
6. Follow the established group norms and understand that you

can be required to leave the group if asked to do so by the approved provider.

7. Never record any information before, during, or after the session. This is considered a violation of client and other client confidentiality. Clients shall not document any information about other clients or other information that is not relevant to their progress in treatment.
8. Never copy, plagiarize, or use artificial intelligence for any aspect related to evaluation or treatment.
9. Comply with the limitations and restrictions as described in the terms and conditions of probation, parole, and/or community corrections;
10. Comply with ANY existing criminal or civil court orders and to notify the Provider and the supervising officer of any changes with any existing court orders;
11. Not violate criminal statutes or ordinances (city, county, state, or federal);
12. Not purchase or possess firearms or ammunition unless there is a specific court order expressly allowing the offender to possess firearms and ammunition.

***Discussion Point:** In these cases, it is incumbent upon the client to provide a copy of the court order to the Approved Provider to qualify for this modification of the Treatment Contract. The MTT should collaboratively design a safety plan to address factors related to client risk and victim safety. An approved provider has the choice to refuse a client into treatment or continue with a client in treatment, regardless if there is a court order allowing the client to have access to a firearm.*

13. Not participate in any couple's counseling or family counseling while in domestic violence offender treatment. This includes any joint counseling that involves the offender and the victim or secondary victims to the index offense;
14. Not threaten, harass, intimidate, monitor, or stalk any individuals, including members of the MTT;
15. Not reoffend, avoid high-risk situations, choose to be free from violence and abusive behaviors, and report any such behavior to the provider and the supervising officer as soon as possible;
16. Not have unsafe or unwanted contact with any past or potential victims;
17. Understand the potential consequences of violations of the treatment contract.

D. If the client is eligible for Teletherapy, the contract shall also explain the responsibility of the client to:

1. Adhere to the offender treatment contract and adhere to all in-person rules regarding group norms and behaviors.
2. Use a webcam or smartphone during the session that allows for the client and their surroundings to be seen by the Approved Provider.
3. Access a reliable and secure internet connection in a private, quiet, confidential, well-lit space free from distractions.
4. Understand the steps to access the session via phone in the event of technical problems.
5. Notify their DVOMB Approved Provider if they are having trouble comprehending the material or content.
6. ~~Agreement by the client to not have anyone else in the session unless approved by the MTT.~~ Agreement by the client to uphold confidentiality requirements (i.e., of the group and with their provider) and not violate the integrity of the treatment process.
7. Agree to additional behavioral monitoring and monitored sobriety testing to the frequency determined by the Approved Provider.
8. Consequences of not complying or participating in domestic violence treatment.