

DIOCESE OF DALLAS
Counseling Services Policy

ROMAN CATHOLIC DIOCESE OF DALLAS

POLICIES ON

**COUNSELING/THERAPY SERVICES AT A PARISH,
PAROCHIAL SCHOOL
OR DIOCESAN HIGH SCHOOL**

March 2009

Policies on Counseling/Therapy Services at a Parish, Parochial School or a Diocesan High School

The general rule is that a Marriage and Family Therapist, Licensed Professional Counselor and Licensed Clinical Social Worker in the state of Texas must be licensed. Limited exceptions apply: a “recognized religious practitioner, acting within the scope of ministerial duties and dealing solely with religious, moral or spiritual counseling, teaching and instructions to members of the religious organization are exempt from licensing.” Any person not licensed may not use the title of, or hold himself or herself out as a licensed counselor or therapist.

Persons acting as professional counselors or therapists can be exposed to personal liability for counseling a client for a number of reasons. Employers of persons acting in this manner can also be exposed to liability.

Based upon the applicable state statutes, and the exemptions provided therein, religious, moral and spiritual counseling (“Spiritual Counseling”), may be provided at a parish, parochial school or diocesan high school (collectively hereafter referred to as “Diocesan Entities”) by priests, deacons and spiritual directors (lay and cleric). Other forms of counseling (“Secular Counseling”) by a minister or religious practitioner are not exempt from licensing or protected from civil liability under the ministerial exception.

If a Diocesan Entity chooses to make counseling or therapy available as a ministry to parishioners, staff and/or students for non-religious issues (“Secular Counseling”), the following are the minimum standards:

- a. The counselor/therapist must be licensed, whether or not licensing is absolutely required by the state. (If the persons providing counseling services are not licensed, they are prohibited from calling themselves licensed or professional counselors or therapists.) Counselors will comply with all ethical and legal standards associated with their respective licensures. This compliance will include areas of confidentiality and privacy, record documentation, record storage, fees, practice disclosure and after hours coverage.

- b. The counselor/therapist must provide a certificate of professional liability insurance in his or her name in the minimum amount of \$1,000,000/claim and \$3,000,000/aggregate, naming the Diocesan Entities and the diocese as the certificate holder and “additional insured.”
- c. The counselor/therapist may or may not be an employee of the Diocesan Entity.
- d. If the counselor/therapist is not an employee of the Diocesan Entity, the counselor may charge and collect fees and should pay rent to the Diocesan Entity or satisfy other negotiated arrangements if Diocesan Entity facilities are being used. No payment of fees should be payable to the Diocesan Entity or the Diocese of Dallas.
- e. FEES PAID FOR COUNSELING ARE NOT TAX DEDUCTIBLE AS CONTRIBUTIONS.
- f. If counseling/therapy is provided on Diocesan Entity property or the counselor/therapist is an employee, the counselor must comply with all Safe Environment policies of the diocese and the Diocesan Entity. [A special release must be obtained relative to the two-adult rule when a child will be alone with a counselor.]
- g. Anyone providing Spiritual Counseling at a Diocesan Entity must understand and be accountable to the established authority of the church.
- h. If the counselor/therapist is an employee of the Diocesan Entity, and fees are charged for counseling, the person receiving counseling must be provided an appropriate invoice/receipt for services rendered, clearly indicating payment is not a contribution to the Diocesan Entity.
- i. Before initiating counseling and/or a therapy session or process, the person being counseled must sign a statement disclosing that the

person offering the counseling services is or is not licensed by the state of Texas, acknowledging that there may be a fee charged for the counseling and acknowledging that the counseling fee is not a tax deductible contribution.

- j. The Diocesan Entity's arrangements with counselors/therapists must be in writing and the agreement approved by the Diocesan Chief Financial Officer and the Risk Manager of the Diocese.
- k. If the Diocesan Entity provides regular counseling/therapy programs, or regularly refers parishioners, staff or students to a recognized religious practitioner (as defined by statute) or other counselors, the pastor or principal and the business manager of the Diocesan Entity should consult with the Diocesan Risk Manager relative to insurance coverage.
- l. In making referrals for counseling, reasonable care should be taken that the counselor is generally appropriate for the need and the referred person should be advised to make the final determination on his or her own.
- m. The pastor, principal or the high school president/principal is responsible for assuring that procedures are in place and operating to assure compliance with these policies.