



KENTUCKY

KY. R. EVID. 506

KY. REV. STAT. § 211.608

Type of Privilege: Qualified by statute

Privilege:

- A client may refuse to disclose and prevent another from disclosing confidential communications between the client and his sexual assault counselor, made for the purpose of counseling the client
KY. R. EVID. 506 (b)
- All client records and reports of a rape crisis center that directly or indirectly identify a client or former client of the rape crisis center are confidential and shall not be disclosed by any person except as provided by law
KY. REV. STAT. § 211.608

Statutory Exceptions to Privilege: KY. R. EVID. 506 (d) (1)

- Client is asserting his physical, mental, or emotional condition as an element of a claim or defense
- Any party is relying upon a deceased client's physical, mental, or emotional condition as an element of a claim or defense

In Camera Review: Provided for by statute

- A court may compel disclosure of confidential communication if the judge finds that the following conditions are satisfied after conducting an in camera hearing of the requested information:
 - The substance of the communication is relevant to an essential issue in the case
 - There are no available alternate means of obtaining the communication or a substantial equivalent
 - The need for the information outweighs the interest protected by the privilege
KY. R. EVID. 506 (d) (2)

Holder of Privilege:

- Client, client's guardian or conservator, or the personal representative of a deceased client may claim the privilege
- Sexual assault counselor may claim the privilege in the absence of the client, but only on behalf of the client
KY. R. EVID. 506 (c)

Waiver of Privilege: No procedure specified

DEFINITIONS:

Confidential Communication:

- Any communication not intended to be disclosed to third persons
KY. R. EVID. 506 (a) (3)

Rape Crisis Center:

- An organization that provides services that include, but are not limited to, crisis counseling, mental health and related support services, advocacy, consultation, public education, and the provision of training programs for professionals
KY. REV. STAT. § 211.600 (3)

Sexual Assault Counselor:

- A person engaged in a rape crisis center working under the control of a supervisor of a rape crisis center, who gives advice, counseling, or assistance to victims of sexual assault
KY. R. EVID. 506 (a) (1) (B)

Training Requirements for Sexual Assault Counselors:



40 hours of training KY. R. EVID. 506 (a) (1) (B)