

## **Hypnosis: Legal Consequences and Informed Consent Release**

**Statement of State Law.** Memory is imperfect and research has shown that there is no guarantee that all information revealed during or after hypnosis is factually accurate. On the other hand, information which is so revealed may in fact be accurate and may also suggest the basis for a legal cause of action against a third party.

The California State Supreme Court has held that a person who has been hypnotized cannot testify in court about anything remembered during or after the hypnosis. Whether this ruling would apply to a therapy session has not yet been definitively decided by the courts. Please consult with your attorney prior to the use of any hypnosis in order to determine what effect hypnosis will/may have upon a pending or contemplated litigation. If you consent to hypnosis, there is a possibility that anything you remember, once the hypnosis begins, will not be admissible in a court of law. The only way to fully protect your potential right to testify on your own behalf is to forego the use of hypnosis.

If you believe that there is some reason to anticipate that memories retrieved by hypnosis might have legal consequences, the clinician will explain to you the procedural guidelines courts require in hypnosis situations. Your clinician will make sure that these guidelines are carefully followed.

**Statement of Choices.** Your clinician has explained to you the reasons why use of hypnosis is recommended in your therapy. Your clinician has also explained that there are other options available to you should you decline to give your informed consent. As part of this discussion, your clinician explained the consequences to you of not using hypnosis. Your clinician has provided you with an explanation of the nature of hypnosis, the myths about it, and your questions about hypnosis have been answered.

**Loss of Confidentiality.** If you choose to permit your clinician to use hypnosis, the hypnosis sessions will be fully audio or videotaped. This audio/videotape will be kept confidential and stored in a secure location by the clinician. Should you later make the decision to bring a legal case to court, and should the hypnosis sessions prove relevant to that case, there is a possibility that you might lose confidentiality by having that tape available for the court's examination.

**Release from Liability.** The law has been explained to you by your clinician. If you consent to hypnosis, you hereby agree that you do not have a legal cause of action against the clinician based on the clinician's professional and competent use of hypnosis with you.

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Signed

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Date

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