

		Policy Number: AG-010
Subject:	DUTY TO WARN	
Section:	ADMINISTRATIVE GENERAL	
Effective Date: 01/01/2012	Review Date: 02/27/2012	
	Revised Date:	
<input checked="" type="checkbox"/> New Policy	<input type="checkbox"/> Supersedes Policy Dated:	
Issued by: HR Administrator	Concurred with and Approved by: Jim Burns, Director Initial: _____ Board of Directors Initial: _____	
Cross Reference:	Ag-009 CLIENT'S RIGHTS TO CONFIDENTIALITY;	
Distribution:	All employees of Family Focus, Inc.	

Policy

Family Focus, Inc. follows Indiana Code (IC34-30-16) in regards to Privileged Communication as it pertains to Duty to Warn.

Definitions

- **FFI Staff:** Family Focus Therapists, Case Workers, Parent Aides, and Internal staff.
- **Intended Victim:** The person(s) or third party (includes Family Focus, Inc. employees) the client has made the threat toward who can be identified by a first and last name, by relation or relationship to the client (such as wife, roommate, and partner) or title (my lawyer, the judge), or by any other means available.
- **Threat:** A verbalization or other communication by a client about a serious threat of physical violence toward an intended victim(s).
- **Warning:** A written and/or verbal communication by a psychotherapist to an intended victim about a client's serious threat of physical violence.

Procedure:

Family Focus Staff have a duty to warn and attempt to protect any reasonably identifiable victim (s) of a serious threat communicated to said therapist by a client. This policy further states that if there exists a responsibility to warn and protect, the duty shall be discharged by the therapist, making reasonable efforts to communicate the threat to the victim(s) and to a law enforcement agency. Family Focus Staff are legally liable only if a threat has been communicated (in any form) and if it is against a "reasonably identifiable" victim(s).

Any listed above threats made to a Family Focus staff will be communicated to staff's immediate Supervisor, Manager or Director or designee, immediately following the incident. A written report will be completed (including all parties contacted) and kept in the client's file. See code below.

Indiana Code:

INDIANA CODE § 34-30-16

Chapter 16. Health Care: Privileged Communications of Mental Health Service Providers

IC 34-30-16-1 Immunity from civil liability; violent behavior of patient

Sec. 1. A mental health service provider is immune from civil liability to persons other than the patient for failing to:

(1) predict; or

(2) warn or take precautions to protect from;

a patient's violent behavior unless the patient has communicated to the provider of mental health services an actual threat of physical violence or other means of harm against a reasonably identifiable victim or victims, or evidences conduct or makes statements indicating an imminent danger that the patient will use physical violence or use other means to cause serious personal injury or death to others.

As added by P.L.1-1998, SEC.26.

IC 34-30-16-2 Duty to warn or to take reasonable precautions; discharge

Sec. 2. The duty to warn of or to take reasonable precautions to provide protection from violent behavior or other serious harm arises only under the limited circumstances specified in section 1 of this chapter. The duty is discharged by a mental health service provider who takes one (1) or more of the following actions:

(1) Makes reasonable attempts to communicate the threat to the victim or victims.

(2) Makes reasonable efforts to notify a police department or other law enforcement agency having jurisdiction in the patient's or victim's place of residence.

(3) Seeks civil commitment of the patient under IC 12-26.

(4) Takes steps reasonably available to the provider to prevent the patient from using physical violence or other means of harm to others until the appropriate law enforcement agency can be summoned and takes custody of the patient.

(5) Reports the threat of physical violence or other means of harm, within a reasonable period of time after receiving knowledge of the threat, to a physician or psychologist who is designated by the employer of a mental health service provider as an individual who has the responsibility to warn under this chapter.

As added by P.L.1-1998, SEC.26.

IC 34-30-16-3 Patient privacy and confidentiality; immunity from liability

Sec. 3. A mental health service provider who discloses information that must be disclosed to comply with sections 1 through 2 of this chapter is immune from civil and criminal liability under Indiana statutes that protect patient privacy and confidentiality.

As added by P.L.1-1998, SEC.26.