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Hello Committee Members:

Thank you for allowing me this opportunity to speak about S3. First of all I would like to acknowledge that the unfortunate situation with Michael Kuligowski was very tragic. My comments here are not intended to diminish the seriousness of what occurred.

I have worked in the mental health field for many years. For the past 12 years, I have been the Clinical Director at a community mental health agency. In my role as a director, supervisor, and risk manager, I look at the duty to warn situations from many perspectives: the client, the potential victim, the community, the clinician, the emergency worker, and the agency. In a duty to warn situation, I am concerned for the wellbeing of all involved, the client, the potential victim, the clinician, and the emergency worker. We work very carefully as a team because of the gravity of concerns for safety and in making a decision to violate confidentiality. At our agency, duty to warn decisions are not made alone. We understand that there is the potential for risk in many directions.

When we have a duty to warn situation, we involve the clinician who knows the client best, the supervisor, the emergency team, and at least two of the top directors. Usually the medical director and I are very involved in these decisions. We seek a compassionate, careful solution that supports the client and protects the potential victim. Under the Tarasoff/Peck laws, we have been able to use trust, rapport and creativity to help an individual who is experiencing an increase in symptoms, is vulnerable, threatening harm, and is usually scared, angry, and generally not doing well. We try to have the person who the client will trust be the most actively involved in trying to intervene. Our ability to help this individual comes down to the basics of rapport and relationship. Having empathy and compassion while reaching out in multiple ways to engage this individual is how we can interrupt the potential for violence.

If we have to expand this approach beyond a specific identified victim and warn other people in the “zone of danger”, then I think that will actually create the possibility of more danger. Why would anyone ever work with us if they knew that we would alert everyone around them? This potentially sabotages their standing in the community, their reputation, their friendships, their relationships with neighbors, and co-workers. This would negatively impact their work/school/home environment and push the individual into a corner of believing there is no option of help or safety anywhere. It promotes stigma, invites discrimination, labeling and generally sets the client up to be mistreated, shunned, and feared. Why would we contribute to further destabilizing an individual when they are already vulnerable? They need our help, not further condemnation and judgment. The expanded duty to warn law will negatively impact the mental health system – clients will simply not report anything to us.

I can give you an example:

We had a duty to warn experience with a client many years ago that could have had a negative outcome but did not. We did have to warn a specific, potential victim but we did not need to warn anyone else. If this situation were to happen under the new expanded duty to warn law— I think that it would push the client into a corner, away from help, and away from us. The potential for violence will be increased and the lack of trust would be a huge factor in not being able to avert danger. The client would not trust us and would stop telling us that the symptoms are increasing and that things are going wrong. When she no longer feels safe she will not agree to meet with us for frequent support and help. Would we have to warn everyone in her apartment building? Would we have to warn the employer where she has a successful job? Would we have to warn the college where she attends classes? I think that it would be adding fuel to the fire and create, for the client, a darker sense of being trapped with no options. Trying to guess and warn a larger net of people only sets up the probability of future tragedies.