

645.270 Duty of mental health professional to warn intended victim of patient's threat of violence.

- (1) No monetary liability and no cause of action shall arise against any mental health professional or person serving in a counselor role for failing to predict, warn or take precautions to provide protection from a patient's violent behavior, unless the patient has communicated to the mental health professional or person serving in a counselor role an actual threat of physical violence against a clearly identified or reasonably identified victim, or unless the patient has communicated to the mental health professional or other person serving in a counselor role an actual threat of some specific violent act.
- (2) The duty to warn or to take reasonable precautions to provide protection from violent behavior arises only under limited circumstances specified in subsection (1) of this section. The duty to warn a clearly or reasonably identifiable victim shall be discharged by the mental health professional or person serving in a counselor role if reasonable efforts are made to communicate the threat to the victim and to notify the law enforcement office closest to the patient's and the victim's residence of the threat of violence. If the patient has communicated to the mental health professional or person serving in a counselor role an actual threat of some specific violent act and no particular victim is identifiable, the duty to warn has been discharged if reasonable efforts are made to communicate the threat to law enforcement authorities. The duty to take reasonable precautions to provide protection from violent behavior shall be satisfied if reasonable efforts are made to seek civil commitment of the child under KRS Chapter 645.
- (3) No monetary liability and no cause of action shall arise against any mental health professional or person serving in a counselor role for confidences disclosed to third parties in an effort to discharge a duty arising under this section.

Effective: March 28, 2002

History: Amended 2002 Ky. Acts ch. 99, sec. 6, effective March 28, 2002. -- Created 1988 Ky. Acts ch. 350, sec. 128, effective April 10, 1988.