

**IN RE:**

**CASE NO. 07/08-2**

**DAWN CHADWICK**

**LOUISIANA LICENSED  
PROFESSIONAL COUNSELLORS  
BOARD OF EXAMINERS**

**STATE OF LOUISIANA**

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**OPINION AND ORDER**

This matter came before hearing on July 16, 2010, pursuant to written notice, at which time a quorum of the Board was present.

Appearances:

Dawn Chadwick, Respondent

Pamela Lormand, attorney for Dawn Chadwick

Todd Bialous, attorney for Dawn Chadwick

Meredith Trahant, Assistant Attorney General and Disciplinary Counsel for the Board

Testimony was presented and documentary evidence was submitted by the parties.

**A. JURISDICTION**

Jurisdiction for this hearing is vested pursuant to Louisiana Revised Statutes 37:1105(E) and 37:1110.

**B. MATTERS AT ISSUE AND RULES INVOLVED**

Respondent was charged with violation of the Louisiana Licensed Professional Counselors Board of Examiners Code of Conduct with respect to the complainant as follows:

1. It is alleged by Mr. and Mrs. B. that you conducted a custody evaluation although you already had a counseling relationship with the child in question and the other parent in the custody dispute. [See LPC Rules, Chapter 21, Section 2103 (A)(1),(F)(1) and (H)]. La Administrative Code, Title 46, Chapter 21, reads in relevant part:

**LPC §2103. Counseling Relationship.**

\* \* \*

A. Client Welfare.

1. Primary Responsibility. The primary responsibility of counselors shall be to respect the dignity and to promote the welfare of clients.

\* \* \*

F. Dual Relationships

1. Avoid When Possible. Counselors shall be aware of their influential positions with respect to clients, and they shall avoid exploiting the trust and dependency of clients. Counselors shall make every effort to avoid dual relationships with clients that could impair professional judgment or increase the risk of harm to clients. (Examples of such relationships include, but are not limited to, familial, social, financial, business, or close personal relationships with clients.) When a dual relationship cannot be avoided, counselors shall take appropriate professional precautions such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs.

\* \* \*

- H. Multiple Clients. When counselors agree to provide counseling services to two or more persons who have a relationship (such as husband and wife, or parents and children), counselors shall clarify at the outset which person or persons are clients and the nature of the relationships they will have with each involved person. If it becomes apparent that counselors may be called upon to perform potentially conflicting roles, they shall clarify, adjust, or withdraw from roles appropriately.

\* \* \*

2. It is alleged by Mr. and Mrs. B. that you disclosed confidential information. [See LPC Rules, Chapter 21, Section 2103 (A)(1), and (C)(1) and Section 2105(A)(1),(5),(6),(7); (B)(2), and (D)(2) and (5)].

La Administrative Code, Title 46, Chapter 21, reads in relevant part:

**LPC §2103. Counseling Relationship.**

\* \* \*

A. Client Welfare.

1. Primary Responsibility. The primary responsibility of counselors shall be to respect the dignity and to promote the welfare of clients.

\* \* \*

C. Client Rights.

1. Disclosure to Clients. When counseling is initiated, and throughout the counseling process as necessary, counselors shall inform clients of the purposes, goals, techniques, procedures, limitations, potential risks and benefits of services to be performed, and other pertinent information. Counselors shall take steps to ensure that clients understand and implications of diagnosis, the intended use of tests and reports, fees, and billing arrangements. Clients have the right to expect confidentiality and to be provided with an explanation of its limitations, including supervision and/or treatment team professionals; to obtain clear information about their case records; to participate in the ongoing counseling plans; and to refuse and recommended services and be advised of the consequences of such refusal.

\* \* \*

**LPC §2105. Confidentiality.**

\* \* \*

A. Right to Privacy.

\* \* \*

1. Respect for Privacy. Counselors shall respect their clients' right to privacy and avoid illegal and unwarranted disclosures of confidential information.

\* \* \*

5. Court Ordered Disclosure. When court ordered to release confidential information without a client's permission, counselors shall request to the court that the disclosure not be required due to potential harm to the client or counseling relationship.
6. Minimal Disclosure. When circumstances require the disclosure of confidential information, only essential information shall be revealed. To the extent possible, clients are informed before confidential information is disclosed.
7. Explanation of Limitations. When counseling is initiated and throughout the counseling process as necessary, counselors shall inform clients of the limitations of confidentiality and identify foreseeable situations in which confidentiality must be breached.

\* \* \*

B. Groups and Families.

\* \* \*

2. Family Counseling. In family counseling, information about one family member shall not be disclosed to another member without permission. Counselors shall protect the privacy rights of each family member.

\* \* \*

D. Records.

\* \* \*

2. Confidentiality of Records. Counselors shall be responsible for securing the safety and confidentiality of any counseling records they create, maintain, transfer, or destroy whether the records are written, taped, computerized, or stored in any other medium.

\* \* \*

5. Disclosure or Transfer. Counselors shall obtain written permission from clients to disclose or transfer records to legitimate third parties unless exceptions to confidentiality exist as listed in §2105 A. Steps shall be taken to ensure that receivers of counseling records are sensitive to their confidential nature.

\* \* \*

3. It is alleged by Mr. and Mrs. B. that you engaged in unprofessional behavior when interviewing the child and the complainants for the custody evaluation. [See LPC Rules, Chapter 21, Section 2103 (A)(1), (C)(3), and (E)(1) and (2)].

La Administrative Code, Title 46, Chapter 21, reads in relevant part:

**LPC §2103. Counseling Relationship.**

\* \* \*

A. Client Welfare.

1. Primary Responsibility. The primary responsibility of counselors shall be to **respect the dignity and to promote the welfare of clients.**

\* \* \*

C. Client Rights.

\* \* \*

3. Inability to Give Consent. When counseling minors or persons unable to give voluntary informed consent, counselors shall act in these clients' best interests.

\* \* \*

E. Personal Needs and Values.

1. Personal Needs. In the counseling relationship, counselors shall be aware of the intimacy and responsibilities inherent in the counseling relationship, maintain respect for clients, and shall actions that seek to meet their needs at the expense of clients.
2. Personal Values. Counselors shall be aware of their own values, attitudes, beliefs, and behaviors and how these apply in a diverse society, and shall avoid imposing their values on clients.

\* \* \*

4. It is alleged by Mr. and Mrs. B. that you made false statements regarding the court documents. [See LPC Rules, Chapter 21, Section 2105 (D)(1) and Section 2107 (E)(3), and (F)(3)].

La Administrative Code, Title 46, Chapter 29, reads in relevant part:

**LPC §2105. Confidentiality.**

\* \* \*

D. Records.

1. Requirements of Records. Counselors shall maintain records necessary for rendering professional services to their clients as required by laws, regulations, on agency or institution procedures.

\* \* \*

**§2107. Professional Responsibilities.**

\* \* \*

E. Public Responsibility.

3. Reports to Third Parties. Counselors shall be accurate, honest, and unbiased in reporting their professional activities and judgments to appropriate third parties including courts, health insurance companies, those who are recipients of evaluation reports, and others.

\* \* \*

F. Responsibility to Other Professionals.

\* \* \*

3. Clients Served by Others. When counselors learn that their clients are in a professional relationship with another mental health professional, they shall request release from clients to inform the other professionals and strive to establish positive collaborative professional relationships.

\* \* \*

### **C. STATUTES INVOLVED**

LPC Rules, Chapter 21, Section 2103 (A)(1), (F)(1), and (H);

LPC Rules, Chapter 21, Section 2103 (A)(1) and (C)(1) and Section 2105 (A)(1), (5), (6), (7), and (B)(2), and (D)(2) and (5);

LPC Rules, Chapter 21, Section 2103 (A)(1), (C)(3), (E)(1) and (2); and

LPC Rules, Chapter 21, Section 2105 (D)(1) and Section 2107 (E)(3) and (F)(3);

### **D. FINDINGS OF FACT**

1. At all relevant times alleged in the complaint, Dawn Chadwick (“Respondent”) practiced as a Licensed Professional Counselor (LPC) in the State of Louisiana.
2. For a period of time beginning in October, 2006 and extending well into 2007, Respondent provided professional services as an LPC to Mr. and Mrs. B. and their son, Blake in the context of a custody evaluation.
3. At the time, Mrs. B was involved in a divorce proceeding, entitled “George R. versus Angela B.,” Case No. 93,908, Division “C”, 17<sup>th</sup> Judicial District Court, Parish of Lafourche, State of Louisiana.
4. Because the Respondent had allegedly yelled at her several times during the course of the professional relationship, and because Mrs. B. felt that Respondent had used bullying tactics on her son Blake, Mr. B. began taping her sessions with Respondent on a digital voice recorder.
5. At the hearing of this matter, Mr. and Mrs. B. satisfactorily authenticated the digital recordings made.
6. Because she felt that Respondent’s clinical tactics were improper and that Respondent was biased, Mrs. B. also hired Dr. Alicia Pellegrin, Ph.D. to perform an independent custody evaluation.
7. Respondent saw one or more of the B. parties on numerous occasions. This clearly went beyond pure “evaluation” and took on the status of a counseling relationship.

8. Although no disciplinary charges were leveled as a result of this particular finding, it appears that Respondent may have billed the B's insurance for "counseling" while she was actually doing "evaluation services".
9. Respondent was initially trained, and had 13 years experience, as a child protection worker for the Office of Children's Services. She had no significant specific training as a custody evaluator or as a family therapist.
10. Respondent conducted sessions with Angel B. and Blake B. in the counseling room at the same time, which was clearly improper, whether she was acting as an evaluator or a therapist.
11. Respondent further accepted a child sex abuse evaluation assignment from the Court at the same time she was already performing a custody evaluation in the same case and involving the same clients.
12. Respondent's expert, Dr. Rafael Salcedo, agreed that the dual role performed by Respondent in Number 11 above was improper.
13. Dr. Pellegrin noted that in a forensic evaluation, the true "client" is the Court, and the evaluator must remain neutral and objective and not be an advocate for any of the individual parties.
14. Dr. Pellegrin further testified that, in her opinion, Respondent "crossed the line" between evaluator and clinician, and "blurred" those boundaries.
15. Dr. Pellegrin further testified that Respondent's interview methods were improper in at least three areas; (A) use of leading questions, (B) interviewing the child in front of her mother, and (C) repeating misinformation across several interviews.
16. Respondent's expert, Dr. Rafael Salcedo, testified that "confrontation" is sometimes necessary in custody evaluations to get to the truth. However, he always interviews children alone, and with no parents present.
17. Dr. Salcedo admitted that the Respondent's tone was somewhat confrontational at times, but he felt that this was not out of line for an "OCS – type case". He did not feel that Respondent "badgered" the child.
18. Dr. Salcedo testified that, in his opinion, it is acceptable to blur the "evaluation vs clinical" role after the evaluation is done and the case is completed.
19. Dr. Salcedo felt that once OCS had confirmed the complaint in this case, and the mother was still in denial, Respondent should not have kept trying to get the mother to "fess up".
20. Respondent testified that she was trying to get the mom to be a supportive parent in her sessions and admitted that "maybe [she] tried too hard".

21. Respondent admitted that her tone in the sessions got overly aggressive at times, and that she “should have taken Blake out of those sessions”.
22. Respondent testified that she was trying to get Blake to tell his mother what he had told Respondent, since Respondent “didn’t want the mom to lose custody”.
23. Respondent agreed on cross-examination that an LPC can’t ethically mix counseling and evaluation roles at the same time, but she maintained that she was only a custody evaluator in this case.
24. On further cross-examination by Board member Tom Moore, Respondent testified that she doesn’t know anything about “false memory studies”, nor does she know anything about “clinical triangulation”. She further did not recognize the names of the several writers on these subjects that Mr. Moore cited to her.
25. Respondent further testified on cross-examination that she “wanted to get mom to stop violating the restraining order” and she felt that this was consistent with her evaluator role.

#### **E. CONCLUSIONS OF LAW**

1. Count 1 - Sections 2103(A)(1), (F)(1), and (H) of the Board Rules (Dual Relationships and Conflicts of Interest). This count is found proven. It is clear from the testimony and evidence that Respondent had a therapeutic as well as an evaluator relationship with the complainants and their child. The extended duration and number of the sessions held with the complainants and their son clearly denote a transition from a pure “evaluation” into a counseling relationship. Further, Respondent apparently has a total lack of awareness of the ethical issues, and does not appear to recognize the difference between her roles as an investigator, evaluator, and therapist. Her act of accepting a child sex abuse evaluation assignment at the same time she was already performing a custody evaluation in the same case is clearly unethical, since Respondent could not function objectively in these dual roles.
2. Count 2 - Sections 2103 (A)(1) and (C)(1), and Sections 2105 (A)(1), (5), (6), (7), (B)(2), (D)(2), and (5) of the Board Rules (Breach of Confidentiality). This Count is found not proven. The disclosures made were court-ordered. Further, the La. Children’s Code provides overriding exceptions to confidentiality laws under the facts of this case.
3. Count 3- Section 2103 (A)(1), (C)(3) and (E)(1) and (2) of the Board Rules (Unprofessional Behavior). This count is found proven. The child should not have been in the room during the mother’s interrogation. Further, Respondent should not have suggested that Mrs. B. “did not love” her child.

Clearly, Respondent has wearing her “investigator” hat during these episodes with the mother and child. She was first trained by OCS as a child abuse investigator and she apparently reverted to that role on more than one occasion with the mother and child in this case. She had little or no training as an evaluator or family therapist, and having the child in the room during Respondent’s vigorous interrogation of his mother is unethical, whether she was acting as a therapist or evaluator.

Dr. Pellegrin’s testimony corroborates this finding, as does her belief that Blake “was harmed by Respondent’s action”.

4. **Count 4** – Sections 2105 (D)(1), and 2107 (E)(3), and (F)(3) of the Board Rules (False Statements Re: Court Documents) . This count is found not proven. Many of the sessions in question were not recorded, so the veracity of the information in Respondent’s reports cannot be fully scrutinized. As to the information in the reports relative to the sessions which were taped, the Board believes that most – if not all – of such information embodies opinions of the Respondent, and are therefore not actionable.

#### F. DISCUSSION

Respondent’s testimony and demeanor at the hearing reflect (1) a total lack of awareness of the complex ethical issues entailed, and (2) a complete lack of remorse for her actions and the harm which resulted. Accordingly, the Board finds no mitigating factors present in the case at bar.

#### G. DECISION

For the reasons set forth above, the Board unanimously finds by clear and convincing evidence that Respondent’s actions and inactions cited above in the case at bar, contravene the La. Revised Statutes and/or Board rules cited in Sections E(1) and E(3) hereinabove.

#### H. SANCTIONS

Based on the violations set forth above, the Board unanimously assesses the following sanctions:

- A. Dawn Chadwick’s LPC license is hereby revoked;
- B. After two (2) years from the date of this decision, Respondent may reapply for licensure and must meet all operative licensure requirements in effect at that time;
- C. Should Respondent reapply for licensure, she must also demonstrate to the satisfaction of the Board, competency in custody and forensic evaluations and the ethical considerations pertaining thereto; and
- D. Respondent shall bear all direct costs incurred by the Board in this proceeding.

**I. APPEAL RIGHTS**

The Board's decision shall become final unless the Respondent files a petition for judicial review within thirty days of the issuance of this order, in conformity with La. R.S. 49:964, *et seq.*

Dated: October 15, 2010

  
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Gloria Bockrath  
Board Chair