SCHOOL PROFESSIONALS' KNOWLEDGE AND USE OF THE DUTY TO WARN AND DUTY TO PROTECT OBLIGATIONS

by

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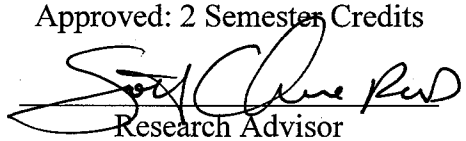

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ABSTRACT

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School violence is an increasingly lethal and prevalent issue in the nation today. Acts of violence, even murder, can be remembered in a variety of states including Colorado, Mississippi, Kentucky, Arkansas, Pennsylvania, Oregon, and even Wisconsin. This killer is neither location bound nor biased in who is effected by the violence. The implications trickle down to all people, even a person who is far removed from one of these incidences is impacted just by watching the news our reading the newspaper.

This is a literature review of current legal and ethical guidelines for school professionals to follow in relation to the duty to warn and an attempt to find current school professionals attitudes, knowledge, and practice regarding these guidelines. No federal regulations were found related to school professionals' duty to warn, however,

state regulations do exist. Tarasoff v. Regents of the University of California is the case that set precedence for professionals to warn third parties of potential danger and tends to be the governing case in related legal suits. Recommendations are presented for future research, which include assessing attitudes and behaviors of school professionals' regarding the legal and ethical obligations of the duty to warn.

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CHAPTER ONE: INTRODUCTION

Imagine being a high school freshman sitting in English class. The teacher is lecturing on how to be a persuasive writer. Students around you are playing with their pencils, passing notes, and whispering to one another. As the teacher is announcing the next assignment gunshots ring throughout the school! Denial, confusion, fear, and curiosity swirl in your head as the teacher is telling everyone to get under desks and to stay calm. Everyone is scared and confused as to what is happening in a school they thought was safe. Shots continue to be heard throughout the school for hours.

Unfortunately, this is not a fabricated story. On April 20, 1999 at roughly 11:21 a.m., two heavily armed young men carrying guns and explosives opened fire in Columbine High School near Littleton, Colorado (DeLisi, 2002). The gunmen terrorized students and teachers for roughly four hours. In addition to using guns, they reportedly laughed and teased students as they detonated hand-made explosives. This nightmare ended when the two gunmen, later identified as two Columbine High School students, killed themselves. During their destructive rampage, one teacher and 12 students died, 23 sustained injuries, and there was 50 million dollars in school property damage.

Unfortunately, this is not an isolated incident. Similar incidents have happened across the United States. Bender, Shubert, and McLaughlin (2001) stated that there were "school shootings that took place from October 1997 to May 1998, in Pearl, Mississippi; West Paducah, Kentucky; Jonesboro, Arkansas; Edinboro, Pennsylvania; and Springfield, Oregon" (p.105). This is not a comprehensive list. The sad fact is that this is becoming a

pattern in schools today. The questions that have arisen over the past few years have asked what the warning signs were, what the root causes are, and why are these incidents going unnoticed?

Bender et al. (2001) found the following regarding the perpetrators of school shootings:

> Although no perpetrator was identified as a student in special education, each demonstrated some indicators to peers of fairly serious emotional problems, and each demonstrated a low regard for human life. The perpetrators were almost totally alienated from family and friends. Each perpetrator had "warned" others in advance of the violence by talking about killing in some context. Each of the perpetrators was a white male. The perpetrators seemed to be average or above average in intelligence. The perpetrators seemed to be very deliberate in the violent actions on the day of the shootings (p. 106).

As mentioned above, the perpetrators tended to show some signs of emotional trouble (Bender et al., 2001). For example, one of the shooters at Columbine High School, Eric Harris, had a history of obsessional thinking and depression. The shooters tend to be alienated from family and friends and are often picked on at school. They tend to show a declining interest in life, can easily access guns, and showed prior warnings of violence. T.J. Solomon, the perpetrator of the Heritage High School shootings in Conyers, Georgia on May 20, 1999, reportedly spoke of committing suicide and bringing a gun to school prior to the shooting. The signs became even more alarming, one day prior to the

shootings he told two students he intended to blow up a classroom and that he had no reason to live. Somehow, these and other warnings were not taken seriously.

When students make threatening statements, should adults and students listen? Schools are full of eyes and ears of students and professionals such as teachers, administrators, health care professionals, paraprofessionals, school psychologists, and school counselors. Students do not have a legal obligation to report violent threats; however, certain professionals do.

School professionals such as school counselors and school psychologists have a variety of responsibilities in the schools. They teach guidance lessons, assess students, career counsel, group counsel, consult with other staff members, and individually counsel students in need. The American School Counselor Association (1998) stated the following:

> The professional school counselor informs the counselee of the purposes, goals, techniques, and rules of procedure under which she/he may receive counseling at or before the time when the counseling relationship is entered. Disclosure notice includes confidentiality issues such as the possible necessity for consulting with other professionals, privileged communication, and legal or authoritative restraints. The meaning and limits of confidentiality are clearly defined to counselees through a written and shared disclosure statement (p. 2).

School counselors and school psychologists have an ethical obligation to keep confidentiality with clients, but there are limits. If a counselor is meeting with a student who discusses endangering other people or themselves, the school professional can

breach confidentiality and warn the person in imminent danger (American School Counselor Association, 1998).

Relating this to the school shootings, had any of the perpetrators been working with a school professional and the professional was told by the student that they intended to bring a gun to school and kill people, the counselor should legally and ethically report this to protect other students and staff members in potential danger. Perhaps the violence at these schools could have been minimized or prevented if the warning signs would have been noticed and the professionals involved would have warned the potential victims.

Statement of the Problem

The purpose of this study is to determine what the current research indicates regarding school professionals' level of legal and ethical knowledge, incidence of application, and overall understanding of the duty to warn guidelines.

Definition of Terms

There are three terms that need to be defined for clarity of understanding. They are:

Confidentiality – is the assurance that information provided in confidence will not be repeated to people outside of the context of the conversation.

Duty to Warn - is a responsibility of counselors to protect and warn individuals that danger may come their way at the hands of one of the counselor's clients. Counselors have an obligation to use reasonable care to protect a potential victim from danger or harm. Warning a person of potential danger may come at the expense of preaching confidentiality. American School Counselor Association (1998) stated that "The professional school counselor keeps information confidential unless disclosure is required

to prevent clear and imminent danger to the counselee or others or when legal requirements demand that confidential information be revealed" (p. 2).

Informed Consent is defined by Fischer and Sorenson (1996) as "a person's agreement to allow something to happen (such as being the subject of a research study) that is based on a full disclosure of facts needed to make the decision intelligently" (p. 364). In relation to the duty to warn, informed consent would be a person's agreement to continue counseling sessions and disclosing information after a counselor has described the limits of confidentiality.

Assumptions and Limitations

It is to be assumed that an exhaustive search of the current literature will be conducted. It is to be assumed that the literature will not only be current, it will be valid and of exceptional quality. And, it is assumed that the research will be thoroughly and objectively examined, setting subjectivity and bias aside. However, one limiting factor to consider is that all research on the topic will not be investigated. Another limitation is that the author's interpretations and viewpoint may impact the paper to some degree. A final limiting factor may be that although the highest quality of research may be sought, it may be difficult to find and outdated at times.

CHAPTER TWO: LITERATURE REVIEW

This chapter will include a thorough explanation of the duty to warn, ethical obligations of school professionals, legal obligations of school professionals, and history of the Tarasoff case. This chapter will conclude with statistical information regarding how the duty to warn is used today.

Ethical Dilemmas Related to the Duty to Warn

General Concerns

One could interpret the duty to warn as easily followed, unfortunately, many gray areas exist especially related to ethical concerns. Consider walking into a school counselor's or a school psychologist's office for the first time feeling very nervous and alone. The intention is to express feelings of anger toward another female in your school. Your name is called and you uncomfortably enter the office and are promptly told by that professional that if certain things are said, the professional is obligated to report what you say to relevant parties of interest. This could greatly affect the amount of information a needy student discloses. Bersoff (1995) stated that "Clients, believing that the therapeutic relationship is inviolate, may lay bare heretofore unrevealed secrets, including their most violent urges" (p. 157). This is one of many ethical dilemmas school personnel face on a daily basis.

School personnel must also consider the consequences to an established client/counselor relationship if confidentiality is breached (Nowell and Spruill, 1995). It has been suggested that disclosing information about a client, without their knowledge

and/or consent, can negatively affect the existing relationship. However, if the client believes that the disclosure was to benefit them and was delivered with good intentions, the relationship is salvageable.

In addition to the therapeutic relationship potentially being damaged, the client may also face adverse personal consequences. Depending on the issue, a client could be incarcerated due to the therapist's actions (Bersoff, 1995). However, if a therapist fails to properly notify authorities of a potentially dangerous situation involving a client and as a result the client or a third party is injured, the professional risks being the recipient of a malpractice suit.

A professional may also want to assess the rights of minors and their parents when faced with ethical dilemmas. In some cases minors are legally able to receive therapeutic services without parental consent (Gustafson and Regis McNamara, 1995). There are several exceptions to the rule of parental consent. If a minor is found to be of a certain level of maturity and demonstrates great understanding of issues related to treatment they can pursue services without parental consent. Also, parental consent is waived for an emancipated minor, court ordered treatment, and for emergency purposes. Keeping the minor's best interests in mind is very important in these ethical situations.

Acquired Immunodeficiency Syndrome and Human Immunodeficiency Virus

Acquired immunodeficiency syndrome (AIDS) is a sexually transmitted disease that can develop from human immunodeficiency virus (HIV) (Standard and Hazler, 1995). The disease is passed from one carrier to the next through transfer of bodily fluids. Not all individuals that have HIV will develop AIDS; however, the unfortunate fact is that all individuals with HIV are capable of spreading the virus. There are differing

arguments on the ethical responsibilities of professionals working with infected clients who continue to have unprotected sex.

One argument stands that not all sexual activity creates high risk for transmission of the often fatal virus (Kain, 1988). The professional needs to be able to assess the situation and determine the level of risk. In this case, the victim is not in a position of powerlessness. They can choose not to engage in the sexual behavior. If confidentiality would be compromised, it is suggested that a plan be initiated to support the partner due to the magnitude of the situation.

Denial is one of the stages of grief people with an HIV or AIDS diagnosis tend to go through (Posey, 1988). This denial may show its face in the form of refusing to warn sexual partners of their disease and can be considered normal when going through the many stages of the grief process. Breaching confidentiality is viewed as a last resort in this situation.

Still, other opinions on this controversial topic exist. Gray and Harding (1995) indicated that confidentiality should be breached in this case and the client's sexual partner should be informed. This explanation was offered: "Given the virulence and fatality of the disease, the increasing rate of prevalence, and the absence of conclusive scientific data regarding transmission, the right of an endangered person to know may overcome any right to privacy regarding individual identification or disclosure to a third party" (p. 221). It is clear that there are many differing opinions on the best and most ethical way to handle delicate situations such as this one.

Ethical Obligations of School Professionals To Students

Many professionals in helping fields have ethical codes created for them to abide by and follow. For example, The National Association of School Psychologists (NASP) (2000) states that "NASP has adopted and promotes an integrated set of comprehensive standards for preparation, credentialing, and professional practice in school psychology" (p. 5). Ethical codes and standards have been created specifically for school counselors and convey a similar meaning to readers. The American School Counselor Association (ASCA) (1998) stated the following:

> In this document, ASCA specifies the principles of ethical behavior necessary to regulate and maintain the high standards of integrity, leadership, and professionalism among members. The Ethical Standards for School Counselors were developed to clarify the nature of ethical responsibilities held in common by school counseling professionals (p. 1).

The content in these codes vary to some degree, but have certain core concepts and main ideas in common. The American Psychological Association (APA) is a larger organization that both school counselors and school psychologists look to for guidance through difficult ethical dilemmas. The American Psychological Association (2002) states the following about their ethical code:

> This Ethical Code is intended to provide specific standards to cover most situations encountered by psychologists. It has as its goals the welfare and protection of the individuals and groups with whom psychologists work and the education of members, students, and the public regarding ethical standards of this discipline (p. 4).

As mentioned above, these ethical standards have common themes such as competency, confidentiality, dual relationships, professionalism, and many others including issues involving the duty to warn. When explaining a professional's ethical responsibilities regarding confidentiality and the limits of confidentiality, the concept of the duty to warn is introduced. Psychologists are allowed to disclose confidential material without the consent of the client to provide professional services, for professional consultation, to protect the client/patient, psychologist, or others from harm, (American Psychological Association, 2002) or to receive payment from the client. School counselors are instructed to keep information confidential unless confidentiality puts someone in obvious and imminent danger (American School Counselor Association, 1998).

The National Association of School Psychologists has set similar standards for school psychologists to adhere to. NASP (2002) states the following regarding confidentiality:

> School psychologists respect the confidentiality of information obtained during their professional work. Information is revealed only with the informed consent of the child, or the child's parent or legal guardian, except in those situations in which failure to release information would result in clear danger to the child or others. Obsolete confidential information will be shredded or otherwise destroyed before placement in recycling bins or trash receptacles. School psychologists discuss confidential information only for professional purposes an only with persons who have a legitimate need to know (p. 19).

To the Organization

School Professionals have a responsibility to the students and the clients as well as organizational responsibilities. Determining which takes precedence can be taxing on an individual. The American School Counselor Association (1998) states that "the professional school counselor supports and protects the educational program against any infringement not in the best interest of the counselees (p. 6). The organization goes on to explain that "the professional school counselor informs appropriate officials of conditions that may be potentially disruptive or damaging to the school's mission, personnel, and property while honoring the confidentiality between the counselee and counselor" (p. 7). It seems clear from this information that the confidentiality of the counseling relationship should remain intact.

The National Association of School Psychologists (2002) explains the following in relation to advocacy:

> School psychologists typically serve multiple clients including children, parents, and systems. When the school psychologist is confronted with conflicts between client groups, the primary client is considered the child. When the child is not the primary client, the individual or group of individuals who sought the assistance of the school psychologist is the primary client. (p. 25)

The National Association of School Psychologists (2002) offered another piece of information to prevent confusion, "School psychologists who provide services to several different groups may encounter situations in which loyalties are conflicted. As much as possible, the stance of the school psychologist is made

known in advance to all parties to prevent misunderstandings" (p. 26). This might be difficult to ask a school psychologist is to do. Often times, conflicts occur after substantial time is spent together. It would be hard to predict conflict prior to beginning a professional relationship.

The American Psychological Association (2002) offers the following information:

> If the demands of an organization with which psychologists are affiliated or for whom they are working conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and to the extent feasible, resolve the conflict in a way that permits adherence to the Ethics Code. (p. 5)

This might not be a clear answer, however, professionals need to be aware of all the ethical standards and guidelines and use professional judgment in situations that may ask them to take a stance between the organization and a client.

Predicting Violence

Often people express early warning signs of potential violence, if caught early can prevent a potentially fatal outcome. According to the Center for Collaboration and Practice (n.d.) school personnel "can increase their ability to recognize early warning signs by establishing close, caring, and supportive relationships with children and youth – getting to know them well enough to be aware of their needs, feelings, attitudes, and behavior patterns" (p. 1). Early warning signs of violence are:

· Social withdrawal.

· Excessive feelings of isolation and being alone.

· Excessive feelings of rejection.

· Being a victim of violence.

· Feelings of being picked on and persecuted.

· Low school interest and poor academic performance.

· Expression of violence in writings and drawings.

· Uncontrolled anger.

· Patterns of impulsive and chronic hitting, intimidating, and bullying behaviors.

· History of discipline problems.

· Past history of violent and aggressive behavior.

· Intolerance for differences and prejudicial attitudes.

· Drug use and alcohol use.

· Affiliation with gangs.

· Inappropriate access to, possession of, and use of firearms.

· Serious threats of violence. (p. 3-5)

Predicting how severe a threat is, and how likely a person is to act out that threat can be very difficult. The Center for Effective Collaboration and Practice (n.d.) suggest some common things to keep in mind when predicting how dangerous a person is. The following suggestions are offered:

· Serious physical fighting with peers or family members.

· Severe destruction to property.

· Severe rage for seemingly minor reasons.

· Detailed threats of lethal violence.

· Possession and/or use of firearms and other weapons.

· Other self-injurious behaviors or threats of suicide.

There is no easy answer to provide professionals when questioning if they should enforce the duty to warn. However, overlooking this duty could prove fatal and has in the past.

The ethical obligations of school counselors, specifically the duty to warn, can also be used to protect an individual from self-harm and suicide. Jacob and Hartshorne (2003) stated that "suicide is one of the leading causes of death among adolescents. It is estimated that in 1997 there were approximately 9.5 completed suicides per 100,000 adolescents in the 15-19-year-old age group and 1.6 per 100,000 children in the 10-14-year-old age group" (p. 195). These are alarming statistics and counselors have a responsibility to protect clients in such a state.

Legal Obligations of School Professionals

Legal guidelines and laws have been created in relation to the duty to warn and its implications. State regulations do exist, however, no federal regulations could be found germane to the topic. California's Tarasoff case is the precedent setting case for this topic that most states refer to when ruling in a related case.

The state of Wisconsin has statutes regarding the duty to warn and confidentiality. The statutes explain that school professionals should keep information confidential when dealing with students who express alcohol and drug use (Wisconsin Act 327 of 2001-2002). The statutes go on to explain that a student that is struggling with these substances must give written consent prior to disclosing information. If it is believed by the

professional that someone is in danger related to the substance use and that disclosing this information to subsequent professions that need to know will alleviate the danger, then they can disclose just the needed information without the threat of civil liability. It is also stated that if a professional "in good faith" does not disclose this information they are also free from civil persecution.

The Tarasoff Case

There are many historical court cases that have considerably impacted the mental health profession. The case of Tarasoff v. Regents of University of California is one such case. Kopels and Doner Kagle (1993) stated the following:

> In October, 1969, Prosenjit Poddar attacked and killed Tatiana Tarasoff at her home in Berkeley, California. In the landmark case that followed, Tarasoff v. Regents of University of California, a court for the first time imposed liability on a mental health professional for failing to protect a victim from the violent acts of a client (p. 101).

Poddar was voluntarily seeking outpatient treatment at Cowell Memorial Hospital on the University of California, Berkeley's campus (Bersoff, 1995). On August 20, 1969 he informed his therapist that he had plans to kill a young female. The female's name was left unsaid, however, the therapist had knowledge of an unhealthy relationship Poddar had with Tarasoff. Poddar and Tarasoff had dated briefly and he voiced his disappointment when their relationship ended. Poddar explained that he was planning to murder her when she retuned from a vacation. Following the session, the therapist consulted with his supervisor, notified campus police, and requested they observe Poddar for potential hospitalization, fearing that he was a danger to himself and others. The

campus police questioned Poddar and released him. Subsequently, no notification or warning was given to the potential victim or her family. Poddar refused therapeutic services from that point on.

On October 27, 1969, Poddar murdered Tarasoff (Bersoff, 1995). Tarasoff's parents filed a wrongful death suit against the Board of Regents of the university, Cowell Hospital employees, four campus police officers, and the chief of campus police. Surprisingly, a lower court dismissed the suit, her parents appealed, "and the California Supreme Court upheld the appeal in 1974 and reaffirmed its decision in 1976" (p. 153). The Regents of the University of California argued that her parents had no legal claim against them in relation to Tarasoff's death because she was a third party, therefore they owed her no professional duty. Regardless of their statements, the Tarasoff family followed through with the suit.

Ultimately, the California Supreme Court made two rulings in the case. Jacob and Hartshorne (2003) stated that "the 1974 ruling (Tarasoff 1) held that the therapists had a duty to warn Tarasoff" (p. 65). Tarasoff v. Regents of California (1974) stated that "public policy favoring protection of the confidential character of patient-psychotherapist relationships must yield in instances in which disclosure is essential to avert danger to others; the protective privilege ends where the public peril begins" (p. 4). The second ruling was in 1976 (Tarasoff II). Tarasoff v. Regents of California (1976) held that a therapist has the "duty to exercise reasonable care to protect the foreseeable victim from harm" (p. 9).

An ongoing debate followed the Tarasoff case (Jacob and Hartshorne, 2003). The field was torn. Some psychologists felt that confidentiality should be broken under no

circumstances and others felt that limits of confidentiality should be incorporated into the American Psychological Association's ethical standards. Eventually, the limits of confidentiality were added to the code. Although changes were made in the codes to reflect the court's findings, all issues surrounding this case were not solved. Arguments surfaced regarding how a therapist can predict violence with certainty (Bersoff, 1995) as well.

Bersoff (1995) stated that ultimately, the court chose to "make a narrow interpretation of therapist-client privilege, believing that the privilege should be sharply restricted" (p. 154). There are differing interpretations of the Tarasoff decision and the controversy may continue to be debated for a long time.

It is apparent that the lines are not clearly drawn in most cases involving the duty to warn. Professional and personal judgment should be utilized to the best of one's ability. Fischer and Sorenson (1996) offer that "with such unpredictable extension of the duty to warn, therapists must keep abreast of the changing law in their state and perhaps take political action and influence the legislature to enact laws specifying the limits of such duty" (p. 29).

Related Lawsuits

Following the ruling in the Tarasoff case regarding the duty to warn many other cases have surfaced related to this topic. Research shows that the decisions in these cases tend to vary from case to case. Roberts and Rogers (1997) state that "Although the duty-to-warn has come up repeatedly, the decisions in those cases have been neither clear nor consistent" (p. 53). In Bellah v. Greenson, a 1978 case, the courts found that the duty to warn did not apply to a client with a history of or who was prone to committing suicide or

property damage. In this case, the court determined that the client's right to privacy was the main concern. In a 1980 case, Thompson v. County of Alabama, a boy in the custody of a county juvenile facility threatened the life of a neighborhood child. When the boy was released back into the community he subsequently killed a boy in the area. The court found that the facility was not to be held liable because when the boy made the threat the potential victim was not identified.

In some cases involving the duty to warn, professionals are actually held liable for different reasons (Robert and Rogers, 1997). In the 1980 case, Lipari v. Sears Roebuck and Co. a psychiatric client terminated services without the approval of the therapist, shortly after he entered an establishment and randomly began shooting, resulting in one death. The court found that the therapist was liable even though the potential victims were not identifiable. However, the court determined that the duty to warn should have been enacted in the form of the therapist attempting to detain the client. In the 1983 case of Peterson v. State of Washington a psychiatrist was held responsible for a past client injuring a woman in a car accident while under the influence and drugs. He was held liable because he was aware of the client's weakness for drugs and alcohol making the women a potential victim (Pietrofesa, Pietrofesa, and Pietrofesa, 1990). The implications of the Tarasoff case and the duty to warn are immeasurable. The ramifications do not stop with school professionals and mental health providers. This duty also extends to physicians, pharmacists and other service providers.

Statistics Regarding How the Duty to Warn is Utilized Today

Research and studies dealing with practitioner knowledge and practice could not be found for the purpose of this literature review. Future surveys and studies should be developed to gain understanding of this topic.

CHAPTER THREE: SUMMARY AND RECOMMENDATIONS

School violence is an increasingly lethal and prevalent issue in the nation today. Acts of violence, even murder, can be remembered in a variety of states including Colorado, Mississippi, Kentucky, Arkansas, Pennsylvania, Oregon, and even Wisconsin (Bender et al., 2001). This killer is neither location bound nor biased in who is effected by the violence. The implications trickle down to all people, even a person who is very far removed from one of these incidences is impacted just by watching the news are reading the newspaper.

Tarasoff v. Regents of University of California was a precedent setting case in this area. The court found that professionals working with clients have a duty to warn potential victims of bodily harm. In order for the warning to occur a special relationship must exist between the client and the professional, a threat of imminent danger is apparent, and there is an identifiable victim. This has caused mental health professionals in clinics, private practice, and schools to debate the issue of breaching confidentiality to prevent a potential act of violence. It may seem like a very easy decision to report suspected violence so no one gets hurt. Unfortunately, there are other things to consider.

How can one truly predict violence? A client may verbally make threats on a regular basis, the professional needs to be able to clearly assess the lethality and conviction of the threat. Considering the clientele, this can be a challenging task. A number of warning signs have been compiled that can guide a professional in making the

decision to warn others of potential violence. In addition, ethical standards have been created by NASP, APA, ASCA and other organizations to guide a professional in making this type of decision.

Not only does a professional have ethical obligations to the client and the potential victim, they have an obligation to the organization they work for. A professional is expected to support the organization without compromising the student. This is a difficult balance to maintain. Ethical dilemmas often surface leaving the profession to thoroughly assess the situation and make the best decision after weighing all options. Ethical dilemmas include; determining the child's right to give informed consent, involving parents, weighing the costs and benefits of breaching confidentiality and potentially damaging the counseling relationship irreversibly. There is also controversy surrounding the topic of HIV and AIDS. If a client is diagnosed with one of the diseases and continues to have sexual intercourse, does the duty to warn apply? According to the literature the answer to this question can be either yes or no. There is no simple answer.

A number of lawsuits have resulted from the Tarasoff rulings of 1974 and 1976. Depending on the situation, there is literature to support both breaching confidentiality and keeping all information between the client and the counselor confidential. The findings are truly case sensitive and individually unique. The effects of the Tarasoff ruling are also spreading to other domains, including pharmacology and physicians, and other service providers.

Limitations

There are ample amounts of gray areas when considering the implications of the duty to warn, which makes it difficult to compile all necessary information. Therefore, a

limitation is that all information could not be found and collectively investigated. A second limitation in the review is due to a lack of sources on the current practices of school professionals related to the duty to warn, resulting in limited information on that particular subject. An additional limiting factor is researcher bias. Although great effort was put forth to conduct an objective literature review, it is truly difficult to determine if researcher viewpoints flavored the paper in any way.

Recommendations

Detailed research needs to be done to gather information regarding school professionals' knowledge and practice surrounding issues related to the duty to warn, especially due to the recent increase in school violence. A thorough examination needs to be conducted to assess what types of confidential information students are disclosing to professionals and the outcomes of these disclosures. A difficult balance should be developed to maintain the safety of the student body and individual confidentiality.

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