

‘Duty To Warn’ Description, Ethical Considerations & Attending to Student/Clients Empowerment

Introduction

‘Duty To Warn’ refers to a practitioner’s responsibility to inform outside (other-than-client) sources if a student/client discloses information to the practitioner that gives the practitioner just reason to believe the student/client is a clear danger to self or others. An example of this might be that a student/client reveals in a session (or any correspondence with their practitioner) that they intend to commit suicide.

Because Certified Somatic Sex Education and Certified Sexological Bodywork operate outside most governmental regulatory agencies, it is often at the discretion of the practitioner themselves if they wish to claim a ‘Duty To Warn’ responsibility. There are several reasons why we might voluntarily choose to be a Duty To Warn practitioner.

- We believe, as a member of our client’s wellness team, it is our responsibility to inform other members of their wellness team if we come into possession of information that our client intends to cause harm to themselves or others.
- We may have a community model of practice, that would have us acknowledging that as individuals, we are all important members of our general community and as such we are all responsible to tending and tracking each other. Of course, this does not include actions of policing or imposing our values on others, but rather simply includes information that specifically relates to immediate safety. The below description of Duty To Warn scope attempts to identify the situations which would fall into Duty To Warn versus other information that pertains to a student/clients personal choices and values.

If a practitioner chooses to uphold Duty To Warn, it is necessary for them to make this clear to all students/clients, in writing and verbally, at the beginning of their work together. If a practitioner chooses to uphold Duty To Warn subsequent to beginning work with students/clients, they must inform them verbally and in writing. In all cases this must be added to all student/client contracts and appropriate signatures gathered and on file.

Description

'Duty To Warn' refers to the legal responsibility within many jurisdictions that either require or permit medical, mental health, and sometimes instructional professionals to disclose information about patients/students/clients who disclose information about an intent to harm themselves or others. Because of a global increase in mass shootings, other violent crimes and suicide, many regions across the globe have shifted these laws from a permissive to a mandatory duty for certain health-care and instructional professionals to report when they believe patients/students may pose a danger to themselves or others. Simultaneously, many regions have enacted laws that protect professionals from both civil and criminal liability for failure to report if they act "in good faith."

Under ethical standards tracing back to the [Roman Hippocratic Oath](#), doctors and mental health professionals usually must maintain the confidentiality of information disclosed to them by patients in the course of the doctor-patient relationship. Somatic Sex Education and Sexological Bodywork have adopted these strict ethical mandates around confidentiality (see the ACSB's Codes of Conduct & Ethics). With some exceptions codified in regional, state and federal law, health professionals can be legally liable for breaching confidentiality. One exception springs from a practitioner's effort to protect potential victims from a patient/student/client's violent behavior.

Opinions about these laws vary. In the US, the American Psychological Association has advocated allowing mental health workers to exercise professional judgment regarding the duty to warn and not to unnecessarily expand "dangerous patient" exceptions.

In considering whether you will claim a Duty To Warn responsibility within your practice with students/clients, there is concern among some professionals that mandatory reporting laws, may discourage people from seeking professional help or fully disclosing their intentions; or providers may be reluctant to treat potentially unstable patients because they fear liability for failure to properly fulfill the duty to warn.